

SP87-364 KAHILI ADVENTIST SCHOOL (Kauai)



LUC PETITION CONTENTS AND PROCEDURES CHECKLIST
FOR SPECIAL USE PERMIT

DOCKET NO./PETITIONER: SP87-13 - KAHILI ADVENTIST SCHOOL

DATE FILED: June 4, 1987

Please check off your areas of concern and initial your station before passing this form to the next station.

RECEPTIONIST x

- x Time stamp
- x Assign docket number and open file
- x Send acknowledgment letter
- x Gives to Chief Clerk to prepare file
- x After Planner prepares staff report, send report and designated copies of file to LUC
- x Gives copy of report and designated copies of file to Executive Officer and Planner

PLANNER y

- ✓ Checks for complete record and conditions
- ✓ Check for notice of public hearing
- ✓ Sends to Drafting Technician for maps, etc.
- ✓ Prepares staff report

DRAFTING TECHNICIAN OK

Confirms petitioner's accuracy with respect to:

- | | |
|--------------------------|--|
| <u> ✓ </u> ownership | <u> ✓ </u> location and size <u> see </u> |
| <u> ✓ </u> lessees | <u> A/C </u> land use district |
| <u> ✓ </u> tax map key | <u> ✓ </u> map and its accuracy w/text <u> petitioner C </u> |
| | <u> ✓ </u> check acreage of use |

- ✓ Gives file to Receptionist to send designated copies of file to LUC

SEE TUBES

FOR OTHER
MAPS

(LOCATED AT
DRAFTING AREA)
by Light table)

<p>PETITION FILED: June 4, 1987</p> <p>SP87-364 / KAHILI ADVENTIST SCHOOL</p>	<p>Mr. Shigenobu Arakaki, Director Kahili Adventist School P.O. Box 480 Lawai, HI 96765</p>
<p>COUNTY</p> <p><i>Peter Nakamura</i> Avery Youn, Planning Director County of Kauai, Planning Dept. 4280 Rice Street Lihue, HI 96766</p>	<p>COUNTY ATTORNEY</p> <p><i>Michael Belles</i> Lorna Nishimitsu, Esq. County Attorney Office of the County Attorney <i>4396</i> 4396 Rice Street, <i>Suite 202</i> Lihue, HI 96766</p>

DATE		IN
6/10/86	Letter notifying parties of action date and agenda sent to Mr. Arakaki, Avery Youn, and R.K. Among. Action date set for June 23, 1987 in Kona.	dk
6/26/87	Agenda sent to all persons and organizations on the Statewide, Oahu, Maui and Kauai mailing lists. (7/14/87 & 7/15/87)	fl
6/29/87	Agenda sent to Avery Youn, Mr. Arakaki, Lorna Nishimitsu, and Mr. Among. Action set for 7/14/87.	dk
8/13/87	Served final Decision and Order to parties.	to
6/18/90	Agenda sent to Peter Nakamura, Shigenobu Arakaki. & Michael Belles, Esq., Planning Commission. Hearing set for 6/28,29/90. <i>for amendment</i>	fl
6/19/90	Agenda sent to all persons & organizations on the Statewide & Kauai mailing lists. <i>for amendment</i>	fl
6/25/90	Staff report sent to LUC, P.Nakamura, M.Belles,Esq., and Shigenobu Arakaki. <i>for amendment</i>	to

interest, of importance are the line of sight, and sidewalk for safety. He did not feel the 41 ft. 8 inches building exceeds the maximum height.

Director Youn stated that to be consistent with past practice, staff interpreted the plate line to be where the rafter sits on the wall. If increase the plate line, it increases the height of the roof. He asked Mr. Yamada if it's proposed for 22 ft. and the CZO says 15 ft., would the applicant be willing to reduce it somewhere in between?

Mr. Yamada felt that to compromise, the Commission would have to accept their interpretation of the plate line. He said the applicant has done a lot to reduce the visual impact; that the building is below the present Lae Nani roofline so it's not going to create an impact; that the applicant has done a lot to try to comply with the requirements.

Mr. Fujita moved to approve staff's recommendation, and the motion was seconded by Mrs. Sialana.

Mr. Contrades questioned, how do you determine the height of the roofline when it is not in the CZO?

Director Youn explained that technically the plate line is where the rafter meets the roof.

Mrs. Sialana supported staff's recommendation because they have been consistent in the past; that this has been staff's position and if we are going to change it at this point to go along with what the applicant perceives it to be, then again we're changing the way it's done. She said if we're challenged, let it go to that extent and perhaps get a clarification at a later time.

The motion was carried by the following roll call vote:

AYES: Sialana, Costa, Dela Cruz, Fujita, Pablo	- 5
NOES: Contrades, Matsumura	- 2
ABSENT, NOT VOTING: None	- 0

JUL 22 1987 Additional Conditions of Approval for Special Permit SP-87-13, Use Permit U-87-41 & Class IV Zoning Permit Z-IV-87-51 = Kahili Adventist School:
Director Youn reported that relative to concerns raised by the Land Use Commission (per letter dated July 1, 1987), the following additional conditions must be included as part of the approval of the subject permits:

9. Based on the timetable submitted, the applicant shall complete within five (5) years of Land Use Commission approval:
 - a. Expansion of the school program (K-12);
 - b. Agricultural work study program;
 - c. Campground site facilities;
 - d. Health conditioning, physical and spiritual retreat center; and
 - e. Establishment of orchards as per Exhibit "G."
10. The previously approved density of 20 cabins or units shall be reinstated, and shall apply to the additional cabins proposed or the retirement home. Should the number of additional cabins or retirement home units cumulatively exceed 20 units, then new Special, Use, & Class IV Zoning Permits shall be required. In addition to the 20 cabins/units, 14 more faculty/staff housing units (as per Exhibit "G") are permissible.
11. A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.
12. All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application.

Relative to density, the Director explained the Planning Commission approved 20 cabins several years ago and what we are doing is reinstating that density as a cap to apply to additional cabins on the property. Also, a retirement home was approved as part of the application, however, any increase in cabins or retirement facility will require a Use Permit from the Planning Commission. The proposal for faculty and staff houses were limited to 14, as shown on the exhibit. So the condition on density reads that the applicant can have 20 cabins to be applied to further expansion of the recreational cabins or the retirement home, and they are allowed 14 faculty/staff housing units. There is also a condition on the timetable for performance, which is 5 years, to develop items "a" thru "e."

Director Youn said a question was raised by the Land Use Commission staff on this project going into the Conservation District. To clear the matter, a condition was added to the original subdivision that created this lot and have the applicant's engineer come back with a revised map to show that none of this project is within the Conservation District.

The last condition provides the right to review the design for individual projects in the future, since the applicant mentions some large buildings such as a gymnasium, health museum, physical retreat center, etc.

Mr. Fujita moved to approve the additional conditions to Special Permit SP-87-13, Use Permit U-87-41 & Class IV Zoning Permit Z-IV-87-51, as recommended by staff. The motion was seconded by Mrs. Costa and carried.

Subdivision Report: Mrs. Costa moved to approve Subdivision Report No. 2, seconded by Mr. Fujita and carried.

Presentation of Hanalei Cultural Survey: Mrs. Barbara Robeson, Project Coordinator of the Hanalei Project, introduced Mrs. Beryl Blaich, Community Education Coordinator. She explained the goal of the Hanalei Project is community consensus development of a growth management plan for Hanalei in coordination with the County and State. The project began in August of 1985 when the 1000 Friends of Kauai had a community conference in Hanalei. From that conference, they received a grant from the Department of Land and Natural Resources to do a cultural resources management plan, an inventory of the resources in Hanalei, and the boundaries included in the inventory. It lists the resources of Hanalei as far as archaeological, cultural, historical, scenic, open space, as well as beach houses and farm buildings. In March of 1986, realizing that there was a need for further protection of Hanalei, they applied for and received funding from the National Trust for Historic Preservation and a private foundation. Mrs. Robeson said the project will produce a cultural resources management plan, design guideline handbook, and a preservation ordinance that will be drafted by Mr. Max Graham for the County, with the expert guidance of the Planning Director. Community flyers will be mailed to the residents of Hanalei to keep them informed. The project is being guided by an advisory committee and the County.

Planning Director Youn said the Planning Commission will have a direct role in the proposed preservation ordinance as it may become a part of the North Shore Development Plan Ordinance, or an amendment to the zoning ordinance, or a separate ordinance, which means that implementation will be by the Planning Commission. He noted that this project may overlap with the role of the County's Historic Preservation Commission, which will be advisory to the Planning Commission once it is established. The Director envisioned Hanalei becoming a Historic District; that there may be specific guidelines to regulate developments or renovations outside of that district and the Planning Commission will eventually be the administrator of that ordinance.

After some discussion, the Commission recessed for lunch at 11:40 a.m.

Special meeting reconvened in the Council Chambers at the County Building. Chairman Matsumura called the meeting back to order at 1:33 p.m.

UNFINISHED BUSINESS

Use Permit U-87-38, Variance Permit V-87-12 & Class IV Zoning Permit Z-IV-87-48 = Christian Science Society: Since no action was taken at the



STATE OF HAWAII
DEPARTMENT OF BUSINESS
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE
Governor

TEOFILO PHIL TACBIAN
Chairman

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Vice Chairman

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Everett L. Cuskaden
Sharon R. Himeno
Toru Suzuki
Robert S. Tamaya
Renton L.K. Nip

ESTHER UEDA
Executive Officer

August 20, 1987

NOTIFICATION OF BOUNDARY AMENDMENT

To all concerned agencies:

The Findings of Fact, Conclusions of Law and Decisions
and Order for the following boundary amendment petitions have
been filed by the Land Use Commission:

Petition Docket No.	Boundary Amendment Requested	LUC Action on June 5, 1987	DATE OF DECISION AND ORDER
A86-606 DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF HONOLULU	To reclassify approximately 269.454 acres from Agricultural to Urban at Waipio, Ewa, Oahu	Denied approximately 269.454 acres at Waipio, Ewa, Oahu, TMK: 9-4-07: 1	August 13, 1987
	<u>Special Permits Requested</u>	<u>LUC Action on April 14, 1987</u>	
SP87-363 KUILIMA DEVELOPMENT COMPANY	For a Special Use Permit to Establish a Wastewater Treat- ment Plant on Approximately 20 Acres of Land Situate Within the Agricultural District at Kahuku, Oahu	Approved special permit for 20 acres at Kahuku, Oahu, TMK: 5-7-1: portion of parcel 21	June 8, 1987
		<u>LUC Action on July 14, 1987</u>	
SP83-358 C. EARL STONER, JR., ON BEHALF OF S & F LAND CO.	For an Amendment to a Special Use Permit to Establish an Asphalt Batching Plant on Approximately 17.52 Acres of Land Situate Within the Agricultural District at Puunene, Wailuku, Maui	Approved special permit amend- ment for 17.52 acres at Puunene, Wailuku, Maui, TMK: 3-8-05: portion of 19	August 13, 1987
✓SP87-364 KAHILI ADVENTIST SCHOOL	For a Special Permit to Establish a Church, School and Related Uses on Approximately 197.463 Acres of Land Situate Within the Agricultural District at Koloa, Kauai	Approved special permit for 195.673 acres at Koloa, Kauai, TMK: 2-7-1: portion of parcel 3	August 13, 1987

Notification of Boundary Amendment Decisions
August 20, 1987
Page Two

<u>Petition Docket No.</u>	<u>Order to Show Cause Proceeding</u>	<u>LUC Action on June 5, 1987</u>	<u>DATE OF DECISION AND ORDER</u>
A81-514 PUKALANI HEIGHTS ASSOCIATES	To Amend the Urban Land Use District Boundary to Reclassify Approximately 28.8 Acres into the Agricultural Land Use District at Pukalani, Island and County of Maui	Approved approximately 28.8 acres at Pukalani, Island and County of Maui, TMK: 2-3-11: 1 and 2	August 14, 1987

Should you have any questions on the above, please do not
hesitate to contact this office.

Sincerely,



ESTHER UEDA
Executive Officer

EU:to

NOTIFICATION OF BOUNDARY AMENDMENT DECISIONS BY LUC

Concerned Agencies

State (all petitions)

1. Dept. of Planning & Economic Development - Planning Division
2. Dept. of Planning & Economic Development - Land Use Division
3. Dept. of Transportation - Office of the Director
4. Board of Land & Natural Resources - Office of the Chairman
5. Dept. of Education - Facilities & Auxiliary Services Branch
6. Office of Environmental Quality Control
7. USDA Soil Conservation Service - Attention: Harry Sato
8. Board of Agriculture - Office of the Chairman
9. C&C, Dept. of Finance - Mapping Section
10. Deputy Attorney General - Everett Kaneshige

City & County of Honolulu (Oahu petitions only)

1. Dept. of General Planning - Chief Planning Officer
2. Dept. of General Planning - Division Head, Policy Analysis Division
3. Dept. of Land Utilization - Director
4. Planning Commission - Executive Secretary
5. Board of Water Supply - Manager and Chief Engineer
6. Dept. of Public Works - Director
7. C&C, Dept. of Finance - Property Assessment Section
8. C&C, Dept. of Finance - Property Technical Office

Hawaii County (Hawaii petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Tax Office

Maui County (Maui petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Tax Division

Kauai County (Kauai petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Division



STATE OF HAWAII
DEPARTMENT OF BUSINESS
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
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Everett L. Cuskaden
Sharon R. Himeno
Toru Suzuki
Robert S. Tamaye
Renton L.K. Nip

ESTHER UEDA
Executive Officer

August 17, 1987

Mr. Avery H. Youn
Planning Director
County of Kauai
Planning Department
4280 Rice Street
Lihue, Hawaii 96766

Dear Mr. Youn:

Subject: Amendment to Special Permit for Kahili Adventist
School

Thank you for forwarding us a copy of the Planning Commission's amendments to the conditions of the subject Special Permit.

Pursuant to our August 3, 1987 telephone conversation, I understand that you will be forwarding us the record of the County Planning Commission's proceedings for the subject amendment for approval by the Land Use Commission.

Thank you for your cooperation in this matter.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to

TONY T. KUNIMURA
MAYOR



AVERY H. YOUN
PLANNING DIRECTOR

TOM H. SHIGEMOTO
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

July 31, 1987

Shigenobu Arakaki, Director
Kahili Adventist School
P. O. Box 480
Lawai, Kauai, Hawaii 96765

Subject: Special Permit SP-87-13
Use Permit U-87-41
Class IV Zoning Permit Z-IV-87-51
Kahili Adventist School

This is to inform you that the Planning Commission at its meeting held on July 22, 1987, approved the following additional conditions to Special Permit SP-87-13, Use Permit U-87-41 and Class IV Zoning Permit Z-IV-87-51:

9. Based on the timetable submitted, the applicant shall complete within five (5) years of Land Use Commission approval:
 - a. Expansion of the school program (K-12);
 - b. Agricultural work study program;
 - c. Campground site facilities;
 - d. Health conditioning, physical and spiritual retreat center; and
 - e. Establishment of orchards as per Exhibit "G."
10. The previously approved density of 20 cabins or units shall be reinstated, and shall apply to the additional cabins proposed or the retirement home. Should the number of additional cabins or retirement home units cumulatively exceed 20 units, then new Special, Use, & Class IV Zoning Permits shall be required. In addition to the 20 cabins/units, 14 more faculty/staff housing units (as per Exhibit "G") are permissible.

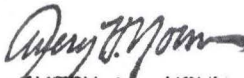
LAND USE COMMISSION
STATE OF HAWAII
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Shigenobu Arakaki, Director
Kahili Adventist School
Page 2
July 31, 1987

11. A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.
12. All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application.

Enclosed is a copy of the staff report. Should you have any questions, please call me at 245-3919.


AVERY H. YOUN
Planning Director

Enclosure

cc: ✓ Land Use Commission

COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

STAFF REPORT

LAND USE COMMISSION
STATE OF HAWAII
AUG 3 12 52 PM '87

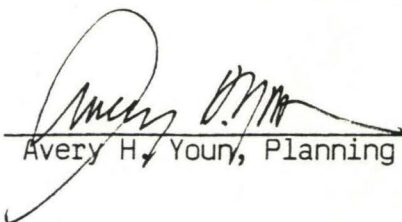
TO: Planning Commission

RE: Kahili Adventist School
Special Permit SP-87-13
Use Permit U-87-41
Class IV Zoning Permit Z-IV-87-51

Relative to concerns raised by the Land Use Commission as discussed in the attached letter, the following additional conditions must be included as part of the Special Permit, Use Permit & Class IV Zoning Permit approvals.

9. Based on the timetable submitted, the applicant shall complete within five (5) years of Land Use Commission approval:
 - a. Expansion of the school program (K-12);
 - b. Agricultural work study program;
 - c. Campground site facilities;
 - d. Health conditioning, physical and spiritual retreat center; and
 - e. Establishment of orchards as per Exhibit "G."
10. The previously approved density of 20 cabins or units shall be reinstated, and shall apply to the additional cabins proposed or the retirement home. Should the number of additional cabins or retirement home units cumulatively exceed 20 units, then new Special, Use, & Class IV Zoning Permits shall be required. In addition to the 20 cabins/units, 14 more faculty/staff housing units (as per Exhibit "G") are permissible.
11. A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.
12. All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application.

By


Avery H. Young, Planning Director

TONY T. KUNIMURA
MAYOR



AVERY H. YOUN
PLANNING DIRECTOR

TOM H. SHIGEMOTO
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3910

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

July 1, 1987

Mr. Phil Tacbian, Chairman
Land Use Commission
State of Hawaii
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

Re: Kahili Adventist School
Koloa, Kauai

At the Land Use Commission meeting on June 23, 1987, several points were raised which required further review and clarification. In addressing the concerns raised by the Land Use Commission staff, our responses are as follows:

1. Time limit to establish the use: Because a time limit for performance was not included, we recommend the following condition be added:

"Based on the timetable submitted, the applicant shall complete within five (5) years of Land Use Commission approval:

- a. Expansion of the school program (K-12);
- b. Agricultural work study program;
- c. Campground site facilities;
- d. Health conditioning, physical and spiritual retreat center;
and

C
O
P
Y

e. Establishment of orchards as per Exhibit "G."

"A status report shall be submitted to the Planning Commission for review at the end of the five (5) year period."

2. Portions of property within State Conservation District: This discrepancy was not known to the County because we believe that a previous subdivision separated the agriculture lot from the Conservation District. The intent here is to maintain the Conservation District; therefore, we will recall the subdivision which created the subject site and have the owner or applicant adjust the subdivision line, if necessary, to stay out of the Conservation District.
3. Request to clarify why proposal was not considered for district boundary amendment: In viewing the site, the character reflected is very rural, open, and isolated from urban areas. The school facilities proposed are anticipated to reflect the rural character that exists. The utilization of a major portion of the site for orchards, horse stables, and campground type uses support keeping this site within the Agriculture District. Furthermore, maintaining this site in the Agriculture District will afford the County more control over the uses permitted as compared to placing it in the Urban District where a much wider range of urban-type uses would be allowable. Based on previous experience, the Planning Commission has found that the Use Permit and Special Permit procedure, and the establishment of conditions accordingly, has been a very effective way of managing urban-type uses in the Agriculture District.
4. Voiding previous Special Permits approved for the area: It is not necessary to void previous Special Permits because construction of buildings and performance of conditions have occurred on previous approvals, with one exception. SP75-214 approved 20 cabins in 1975, these of which were never constructed. The County, in 1983, approved SP-83-1 which was for relocation of the school in Lawai to this site, along with the construction of several buildings. It also nullified the previous Use Permit and Special Permit approvals which approved the 20 cabins.

The applicant was given the option to reapply for these cabins in this present application; although this request was not included in the project description, it is reflected on the proposed development

Mr. Phil Tacbian, Chairman
Land Use Commission
Page 3
July 1, 1987

map (Exhibit "G") and again discussed in Section V of the application. Because the intent is to maintain the approval of the 20 cabins, previous Special Permits should not be nullified at this time.

Kauai Planning Department Concerns:

We raised a point relative to the density of the project, in reference to the "retirement home," the staff housing, and the faculty housing proposed for the project.

Exhibit "G" shows an additional 17 cabins and 14 faculty housing units. These units coupled with the existing 22 cabins/cabinettes will yield a total density of 53 units. In order to maintain density controls, we recommend that the previously approved density of 20 cabins or units be reinstated. This density can apply to the proposed faculty/staff housing and to the retirement home. Any units proposed over and above 20 units must be subject to a new Special Permit, Use Permit and zoning permit approval.

We further suggest that the following conditions be included also to address concerns raised:

1. A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.
2. All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application.

Please be informed that these concerns will be brought before the Planning Commission also for their consideration to incorporate these concerns as part of the Use Permit, Special Permit and zoning permit approvals.

I hope the above items will clarify concerns raised about the project. Should you have any questions, please do not hesitate to call.



AVERY H. YOUN
Planning Director

cc: Kahili Adventist School

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
KAHILI ADVENTIST SCHOOL)
For a Special Permit to Establish)
a Church, School and Related Uses)
on Approximately 197.463 acres)
of Land within the Agricultural)
District Koloa, Kauai, Tax Map Key)
Number: 2-7-01: parcel 3)
_____)

DOCKET NO. SP87-364
KAHILI ADVENTIST SCHOOL

**This is to certify that this is a true and correct
copy of the Decision and Order on file in the office
of the State Land Use Commission, Honolulu Hawaii.**

AUG 13 1987

Date

by

Robert L. Ladd
Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION AND ORDER

Aug 13 2 16 PM '87
LAND USE COMMISSION
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) KAHILI ADVENTIST SCHOOL) For a Special Permit to Establish) a Church, School and Related Uses) on Approximately 197.463 acres) of Land within the Agricultural) District Koloa, Kauai, Tax Map Key) Number: 2-7-01: parcel 3) _____)	DOCKET NO. SP87-364 KAHILI ADVENTIST SCHOOL
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FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION AND ORDER

Kahili Adventist School (hereinafter "Petitioner") initiated this proceeding pursuant to Section 205-6, Hawaii Revised Statutes, as amended, and Subchapter 12 of the Hawaii Land Use Commission Rules. The Land Use Commission (hereinafter the "Commission") having considered the entire record on this matter, hereby makes the following findings of fact, conclusions of law and decision and order:

FINDINGS OF FACT

Procedural Matters

1. The Petitioner filed the Special Permit application with the County of Kauai Planning Department (the "Planning Department") on March 18, 1987. The Kauai Planning Commission conducted the public hearing on May 13, 1987. No public testimony was presented at the hearing.

2. On May 27, 1987, the Kauai Planning Commission recommended approval of the Special Permit with eight conditions. A copy of the decision together with the Special Permit record of the proceeding before the Kauai Planning Commission was received by the Commission on June 4, 1987.

Description of Property

3. The proposed site, including the access road from Kaumualii Highway, is located within the State Land Use Agricultural District at Koloa, Kauai, Tax Map Key Number 2-7-01: parcel 3 (formerly known as TMK: 2-7-01: portion of parcel 1), consisting of approximately 197.463 acres (hereinafter referred to as the "Property"). According to the State of Hawaii tax map printed on June 8, 1987, and the Commission's Official Map K-8 Koloa, it appears that approximately 1.79 acres of the Property is designated within the State Land Use Conservation District.

4. The Property is owned by Augustus F. Knudsen Trust and Eric A. Knudsen Trust. Hawaii Association of the Seventh-day Adventist is the lessee.

5. The Property, also known as Kahili Mountain Park, is situated in Knudsen Gap about one mile mauka of Kaumualii Highway and abuts the Lihue-Koloa Forest Reserve. The Property currently contains 36 structures and cabins under construction. Fifty percent of the Property is in pasture or building use and the remaining balance consists of steep slope and gully land overgrown with natural vegetation.

6. Except for the forest reserve area to the north, the Property is surrounded by sugarcane cultivation.

7. Soils on the Property are classified by the U.S. Soil Conservation service as Lawai Silty Clay 0-25% slopes.

8. The Land Study Bureau's Agriculture Master Productivity Rating System rates the Property as "C", "D", and "E" ("E" being the lowest rating).

Previous Special Permits Approved for the Property

9. On December 15, 1967, the Commission approved Special Permit No. 67-48 to Kahili Mountain Park, Inc. for approximately 150 acres of land to develop a camping-recreational area and facilities building subject to five conditions.

10. On September 22, 1975, the Commission approved Special Permit No. 75-214 to Kahili Mountain Park, Inc. to expand the existing camp to add 20 two-bedroom, one-bath cabins with kitchenettes and other structures on portions of the 215 acre property subject to four conditions.

11. On December 14, 1983, the Kauai Planning Commission approved Special Permit No. SP83-1 to the Hawaiian Association of Seventh-Day Adventist to relocate the Kauai Adventist School and church from its Omao site to the Kahili Mountain Park subject to 8 conditions. The area approved was approximately 14.97 acres.

Summary of Proposed Use

12. Petitioner is requesting the Special Permit to allow the establishment of a school and church use. Petitioner's Masterplan (Exhibit G) includes the following uses and facilities::

- 1) Elementary school and playground
- 2) Intermediate school
- 3) Administration/library
- 4) High school/academy
- 5) Junior college
- 6) Student dormitories
- 7) Faculty, staff and retirement homes
- 8) Gymnasium/swimming pool
- 9) Cafeteria/bakery
- 10) Maintenance shops/vocational training/laundry
- 11) Retirement/health conditioning center
- 12) Health museum; conditioning, physical/spiritual retreat areas
- 13) Chapel
- 14) Existing and new cabins
- 15) Lodge (retreat pavillion)
- 16) Furo
- 17) Retreat office/lecture rooms
- 18) Retreat cabins
- 19) Agricultural maintenance, greenhouse and sales
- 20) Parking areas

- 21) Sewage disposal facilities
- 22) Access and interior road improvements
- 23) Water transmission improvements
- 24) Expanded telephone system
- 25) Propane gas storage

13. More specifically, petitioner's masterplan (Exhibit G) reflects a total of 53 housing units, which are either existing and proposed (14 faculty housing units and 39 existing or proposed cabins).

14. Petitioner indicates its goal is to relocate its entire school facility (Kauai Adventist School, grade 1 thru 10), from its present Omao site to the Property. Petitioner proposes to expand its educational facilities and develop an agricultural and work-study program, and a spiritual retreat center, health conditioning center, and health museum to further work study opportunities.

15. Petitioner proposes to provide access to the Property from Kaumualii Highway over a 30-foot wide crushed cinder, coral, and dirt cane haul roadway.

16. Petitioner will provide water from the existing private water system. Petitioner states that with improvements, this system is adequate to accommodate water requirements.

17. All structures are wired for electricity for lighting and outlets. Power is presently supplied by Kauai Electric.

18. Individual gas cylinders and bulk tank storage provide propane gas, serviced by Gasco, Inc.

19. A single telephone line is provided by Hawaiian Telephone company at this time, but an expanded phone system is being designed by Hawaiian Telephone and will be installed.

20. Petitioner's tentative development timetable indicates that relocation of the present school facility (grades 1 through 10) would be completed by September 1987; the agriculture work study program would be implemented by September 1987 and the expansion of the school program (K through 12, Phase II) would be implemented 2 to 5 years from the start of Phase I.

State and County Plans and Programs

21. The Property is located within the State Land Use Agricultural and Conservation Districts as indicated on K-8 Koloa of the Land Use District Boundaries Map and the State Tax Map 2-7-01 for the Island of Kauai.

22. The Kauai County General Plan designation for the Property is Agriculture. The Property is zoned Agriculture/Open.

Summary of Major Concerns

23. The State Department of Health indicated that the proposed use may have an impact on Grove Farm's drinking water due to agricultural activities that require pesticides application; sewage disposal by individual cesspools may

adversely impact groundwater in the area, and potable water should be made available to the proposed development.

24. The State Department of Transportation stated that left turn storage lanes on Kaumualii Highway, acceleration and deceleration lanes and street lights should be provided.

25. The County Department of Public Works pointed out that access to the school site does not meet county standards and that drainage and flood studies should be made and buildings located away from the 100-year flood inundation limits.

Conformance With Special Permit Tests

26. The proposed school and church-related use of the Property is not considered contrary to the objectives sought to be accomplished by the Land Use Law since agriculture through work study programs will be emphasized within the school curriculum. Inasmuch as the school and church related improvements are dispersed throughout the parcel, a predominant portion will be utilized for agricultural uses.

27. The proposed development contains uses permissible in and compatible to the Agricultural District.

28. The school and church-related uses of the Property will not adversely affect the surrounding sugarcane operations of McBryde Sugar Company.

29. The development of the Property will not unreasonably burden public agencies to provide roads and

streets, sewers, water, drainage, and school improvements, and police and fire protection. Petitioner will be responsible for infrastructure improvements required by the State Highways Division, State Health Department, and County Public Works, Water, Fire and Planning Departments.

30. No unusual conditions have arisen since the district boundaries were established. However, the proposed use in conjunction with an agriculture work-study program can ensure that an educational base to encourage agriculture exists.

Planning Commission Recommendations

31. At its meeting held on May 27, 1987, the Planning Commission recommended approval of the Special Permit, subject to the following conditions:

- "1. Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval.

- "2. The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better.

- "3. The improvements required by the State Highways Division shall be provided as required, but no later than 5 years from the date of review and approval by the Land Use Commission.
- "4. As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.
- "5. Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments.
- "6. The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare.
- "7. Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented.
- "8. The applicant is advised that prior to an/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."

CONCLUSIONS OF LAW

The proposed use is an "unusual and reasonable" use as defined in Chapter 205-6, Hawaii Revised Statutes and the proposed use is not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.

ORDER

IT IS HEREBY ORDERED that Special Permit Docket Number 87-364 filed by Kahili Adventist School to establish a church, school and related uses on a portion of the Property, consisting of approximately 195.673 acres, situated within the State Land Use Agricultural District at Koloa, Kauai, Tax Map Key Number 2-7-01: portion of parcel 3, be approved subject to the following conditions as recommended by the Kauai Planning Commission:

1. Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval.

2. The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better.

3. The improvements required by the State Highways Division shall be provided as required, but no later than 5 years from the date of review and approval by the Land Use Commission.

4. As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.

5. Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments.

6. The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare.

7. Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented.

8. The applicant is advised that prior to an/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."

DOCKET NO. SP87-364 - KAHILI ADVENTIST SCHOOL

Done at Honolulu, Hawaii, this 13th day of August 1987,
per motions on July 14, 1987 and August 12, 1987.

LAND USE COMMISSION
STATE OF HAWAII

By T. P. Tacbian
TEOFILO PHIL TACBIAN
Chairman and Commissioner

By Frederick P. Whittemore
FREDERICK P. WHITTEMORE
Vice Chairman and Commissioner

By Toru Suzuki
TORU SUZUKI
Commissioner

By Lawrence F. Chun
LAWRENCE F. CHUN
Commissioner

By Sharon R. Himeno
SHARON R. HIMENO
Commissioner

By Renton L. K. Nip
RENTON L. K. NIP
Commissioner

By Richard B. F. Choy
RICHARD B. F. CHOY
Commissioner

By Robert S. Tamaye
ROBERT S. TAMAYE
Commissioner

P 124 044 455

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP87-364/Kahili Adventist School

★ U.S.G.P.S. D. 1984-446-014

Sent to	Avery Youn	
Street and No.	4280 Rice St.	
P.O., State and ZIP Code	Lihue 96766	
Postage	\$.73
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered		.70
Return receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	\$	2.18
Postmark or Date		



PS Form 3800, Feb. 1982

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST-CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article. **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

SP87-364/Kahili Adventist School

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Avery Youn, Planning Director
Planning Department
County of Kauai
4280 Rice Street
Lihue, HI 96766

4. Article Number

P 124 044 455

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

8-14

DD

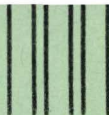
8. Addressee's Address (*ONLY if requested and fee paid*)

**UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS**

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



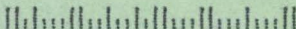
PENALTY FOR PRIVATE
USE. \$300

**RETURN
TO**



Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii
LAND USE COMMISSION
Rm. 104, Old Federal Bldg.
335 Merchant Street
Honolulu, Hawaii 96813



P 124 044 456

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL


(See Reverse)

SP87-364/Kahili Adventist School

★ U.S.G.P.O. 1984-446-014

PS Form 3800, Feb. 1982

Sent to	Shigenobu Arakaki	
Street and No.	P.O. Box 480	
P.O., State and ZIP Code	Lawai 96765	
Postage	\$.73
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered		.70
Return receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	\$	2.18
Postmark or Date		



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST-CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier, (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

SP87-364/Kahili Adventist School

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Shigenobu Arakaki, Director
Kahili Adventist School
P. O. Box 480
Lawai, HI 96765

4. Article Number

P 124 044 456

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X *M. Hirabayashi*

6. Signature — Agent

X

7. Date of Delivery

8/14/87

8. Addressee's Address (*ONLY if requested and fee paid*)

**UNITED STATES POSTAL SERVICE
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Print your name, address, and ZIP Code in the space below.

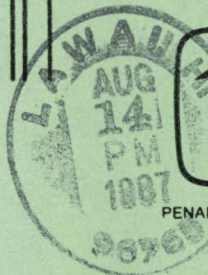
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii
LAND USE COMMISSION
Rm. 104, Old Federal Bldg.
335 Merchant Street
Honolulu, Hawaii 96813



PENALTY FOR PRIVATE
USE, \$300

STATE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. SP87-364
KAHILI ADVENTIST SCHOOL)	
For a Special Permit to Establish)	KAHILI ADVENTIST SCHOOL
a Church, School and Related Uses)	
on Approximately 197.463 acres)	
of Land within the Agricultural)	
District Koloa, Kauai, Tax Map Key)	
Number: 2-7-01: parcel 3)	

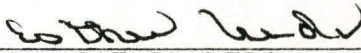
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

EVERY YOUNG, Planning Director
Planning Department
County of Kauai
4280 Rice Street
Lihue, Hawaii 96766

SHIGENOBU ARAKAKI, Director
Kahili Adventist School
P. O. Box 480
Lawai, Hawaii 96765

Dated: Honolulu, Hawaii, this 13th day of August 1987.



ESTHER UEDA
Executive Officer

SP87-364 KAHILI ADVENTIST
SCHOOL
PHOTOGRAPHS





































TONY T. KUNIMURA
MAYOR



AVERY H. YOUN
PLANNING DIRECTOR

TOM H. SHIGEMOTO
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

July 1, 1987

Mr. Phil Tacbian, Chairman
Land Use Commission
State of Hawaii
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

JUL 6 12 52 PM '87
LAND USE COMMISSION
STATE OF HAWAII

Re: Kahili Adventist School
Koloa, Kauai

At the Land Use Commission meeting on June 23, 1987, several points were raised which required further review and clarification. In addressing the concerns raised by the Land Use Commission staff, our responses are as follows:

1. Time limit to establish the use: Because a time limit for performance was not included, we recommend the following condition be added:

"Based on the timetable submitted, the applicant shall complete within five (5) years of Land Use Commission approval:

- a. Expansion of the school program (K-12);
- b. Agricultural work study program;
- c. Campground site facilities;
- d. Health conditioning, physical and spiritual retreat center; and

7/2/87
D.LUC

Mr. Phil Tacbian, Chairman
Land Use Commission
Page 2
July 1, 1987

e. Establishment of orchards as per Exhibit "G."

"A status report shall be submitted to the Planning Commission for review at the end of the five (5) year period."

2. Portions of property within State Conservation District: This discrepancy was not known to the County because we believe that a previous subdivision separated the agriculture lot from the Conservation District. The intent here is to maintain the Conservation District; therefore, we will recall the subdivision which created the subject site and have the owner or applicant adjust the subdivision line, if necessary, to stay out of the Conservation District.
3. Request to clarify why proposal was not considered for district boundary amendment: In viewing the site, the character reflected is very rural, open, and isolated from urban areas. The school facilities proposed are anticipated to reflect the rural character that exists. The utilization of a major portion of the site for orchards, horse stables, and campground type uses support keeping this site within the Agriculture District. Furthermore, maintaining this site in the Agriculture District will afford the County more control over the uses permitted as compared to placing it in the Urban District where a much wider range of urban-type uses would be allowable. Based on previous experience, the Planning Commission has found that the Use Permit and Special Permit procedure, and the establishment of conditions accordingly, has been a very effective way of managing urban-type uses in the Agriculture District.
4. Voiding previous Special Permits approved for the area: It is not necessary to void previous Special Permits because construction of buildings and performance of conditions have occurred on previous approvals, with one exception. SP75-214 approved 20 cabins in 1975, these of which were never constructed. The County, in 1983, approved SP-83-1 which was for relocation of the school in Lawai to this site, along with the construction of several buildings. It also nullified the previous Use Permit and Special Permit approvals which approved the 20 cabins.

The applicant was given the option to reapply for these cabins in this present application; although this request was not included in the project description, it is reflected on the proposed development

Mr. Phil Tacbian, Chairman
Land Use Commission
Page 3
July 1, 1987

map (Exhibit "G") and again discussed in Section V of the application. Because the intent is to maintain the approval of the 20 cabins, previous Special Permits should not be nullified at this time.

Kauai Planning Department Concerns:

We raised a point relative to the density of the project, in reference to the "retirement home," the staff housing, and the faculty housing proposed for the project.


Exhibit "G" shows an additional 17 cabins and 14 faculty housing units. These units coupled with the existing 22 cabins/cabinettes will yield a total density of 53 units. In order to maintain density controls, we recommend that the previously approved density of 20 cabins or units be reinstated. This density can apply to the proposed faculty/staff housing and to the retirement home. Any units proposed over and above 20 units must be subject to a new Special Permit, Use Permit and zoning permit approval.

We further suggest that the following conditions be included also to address concerns raised:

1. A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.
2. All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application.

Please be informed that these concerns will be brought before the Planning Commission also for their consideration to incorporate these concerns as part of the Use Permit, Special Permit and zoning permit approvals.

I hope the above items will clarify concerns raised about the project. Should you have any questions, please do not hesitate to call.


AVERY H. YOUN
Planning Director

cc: Kahili Adventist School

Lahili Adventist School

"The Standard of True Education"

ORIGINAL

July 6, 1987

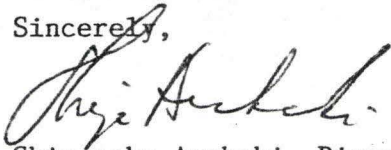
JUL 8 7 29 AM '87
LAND USE COMMISSION
STATE OF HAWAII

Dear Commission Member:

Mr. Phil Tacbian has asked me to share this enclosed letter with you. I hope you will look favorably upon our request because if we are to operate a school purely for academics, we would build our school near a populated area. But since our educational program includes the using of the hands, we are locating in an agricultural zoned area. We want you to know that we are anxious to keep the whole surrounding area agricultural.

May God's richest blessings be yours.

Sincerely,



Shigenobu Arakaki, Director

Enc.



Lihili Adventist School

"The Standard of True Education"

June 29, 1987

Mr. Avery H. Youn, Planning Director
County of Kauai
Planning Department
4280 Rice Street
Lihue, Kauai, HI 96766

Dear Mr. Youn:

We could have built a third (1/3) of our allotted 20 cabins by now but because of insufficient electrical energy, we have not done so. At present we have just enough electrical energy for our new school building. However, Hawaiian Telephone has bought the necessary poles and will work with Kauai Electric in providing us the electrical energy and telephone service that we need. The easement and right-of-way documents should be finalized soon so the two companies can get started.

Besides the 20 cabins our projection for the next five years is fourteen (14) faculty, staff homes and a lodge that will be used for spiritual retreat and health conditioning.

Our educational philosophy is the harmonious development of the mind, body and heart so we want our students to receive the benefits of work and the blessings of the spiritual retreat and health conditioning centers.

We believe that our plans do fit into the agricultural zoning of our school property and we hope our unique educational philosophy will be a blessing to many young people.

Sincerely,



Shigenobu Arakaki, Director

SA:1



STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

House Conference Room 310
State Capitol
Honolulu, Hawaii

July 14, 1987

approved
7/28/87

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick Whittemore, Vice-Chairman
Sharon R. Himeno
Richard Choy
Toru Suzuki
Robert Tamaye
Lawrence Chun (Portion of Proceedings)
Renton L.K. Nip

COMMISSIONERS ABSENT: Everett Cuskaden

STAFF PRESENT: Esther Ueda, Executive Officer
Annette Chock, Deputy Attorney General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk

Julie Sorensen Laber, Court Reporter

Chairman Tacbian called the meeting to order and welcomed Commissioner Nip to the Land Use Commission.

ACTION

* SP87-364 - KAHILI ADVENTIST SCHOOL (Kauai)

Chairman Tacbian announced that the Commission would take action on this petition which was continued on June 23, 1987.

Raymond Young, Staff Planner, oriented the Commission to the area being requested for special use on the USGS and tax maps.

Having no objections by the Commission and the parties, petitioners were allowed to make a presentation with slides.

After hearing comments from Avery Youn, Planning Director, County of Kauai, and Mr. Ho, Petitioner, it was moved by Commissioner Chun to go into executive session to consult

Minutes - July 14, 1987
Page 2

with our Deputy Attorney General on legal matters. The motion was seconded by Commissioner Whittemore.

Commissioner Nip moved to allow the establishment of school use from grades kindergarten through junior college to include classroom buildings; homes for students, faculty, staff, and retirees; administration and recreational buildings, and a cafeteria/bakery; a chapel, retirement/health conditioning center, furo, museum, lodge, retreat areas and buildings and maintenance/vocational training shops; agricultural maintenance and sales and parking; and sewage disposal facilities on approximately 197.463 acres of land within the Agricultural District at Kahili Mountain Park, Koloa, Kauai.

The motion was seconded by Commissioner Chun.

The motion to approve the special use permit was unanimously carried by the following votes:

Ayes: Commissioner Nip, Suzuki, Chun, Himeno, Choy, Tamaye, Whittemore, and Chairman Tacbian.

Commissioner Chun was absent from the proceeding at this time.

SP83-358 - C. EARL STONER ON BEHALF OF S & F LAND COMPANY
(Second Amendment) (Maui)

Raymond Young, Staff Planner, gave a summary report of the special use permit request by Petitioner to allow the addition of an asphalt batching plant on approximately 17.52 acres of land within the Agricultural District at Puunene, Maui.

After hearing comments from Debra Chun, Attorney for Petitioner, and Richard Levins, representing Grace Pacific, questions were asked by the Commissioners.

Commissioner Himeno declared a possible conflict. Chairman Tacbian allowed Commissioner Himeno to participate in the action.

Commissioner Suzuki moved for approval of Docket No. SP83-358 - C. EARL STONER ON BEHALF OF S AND F LAND COMPANY (Second Amendment) to allow the addition of an asphalt batching plant on approximately 17.52 acres of land within the Agricultural District at Puunene, Maui.

The motion was seconded by Commissioner Choy.

The motion to approve the petition was unanimously carried by the following votes:

Ayes: Commissioner Suzuki, Himeno, Choy, Tamaye, Whittemore, Nip, and Chairman Tacbian.

HEARING

A87-610 TOM GENTRY AND GENTRY-PACIFIC, LTD.

Pursuant to a notice published in the Honolulu Star Bulletin on June 12, 1987 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Tom Gentry and Gentry-Pacific, Ltd. to reclassify approximately 1,395 acres of land currently in the Agricultural District into the Urban District at Waiawa, Oahu, Hawaii, for a residential community.

Appearances

Alan Okamoto, Esq., Attorney for Petitioner

Gerald Yamamoto, Esq., Attorney for Petitioner

Tom Gentry, Petitioner

David Laxson, Esq., Deputy Corporation Counsel
City and County of Honolulu

Betsy Marcinkus, Dept. of General Planning, City and
County of Honolulu

Everett Kaneshige, Esq., Deputy Attorney General,
Department of Business and Economic Development

Jean Nishida, Land Use Division, Department of
Business and Economic Development

EXHIBITS

Petitioner's Exhibit 1 through 36 were admitted into evidence. Petitioner's Exhibit 6n, 8 and 9 were withdrawn.

City and County of Honolulu's Exhibit 1 was admitted into evidence.

State's Exhibit 1 was admitted into evidence.

Raymond Young, Staff Planner, oriented the Commission to the area being requested for reclassification on the USGS and tax maps.

PUBLIC WITNESSES

1. Calvin Kawamoto, Waipahu Neighborhood Board No. 22
2. Sharlyn Palacio, ILWU, Local 124

A lunch recess was taken at 12:00 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

PETITIONER'S WITNESSES

1. Tom Gentry
2. Norman Dyer

The hearing was adjourned at 4:30 p.m. to reconvene on July 15, 1987 at 9:00 a.m.

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

July 14, 1987 - 9:00 a.m.
and July 15, 1987*

House Conference Room 310
State Capitol
Honolulu, Hawaii

A G E N D A

REC'D. BY

1987 JUN 29 AM 9 25

LT. GOVERNOR'S OFFICE

I. ACTION

1. SP87-364 - KAHILI ADVENTIST SCHOOL (Kauai)

To allow the establishment of school use from grades kindergarten through junior college to include classroom buildings; homes for students, faculty, staff, and retirees; administration and recreational buildings, and a cafeteria/bakery; a chapel, retirement/health conditioning center, furo, museum, lodge, retreat areas and buildings and maintenance/vocational training shops; agricultural maintenance and sales and parking; and sewage disposal facilities on approximately 197.463 acres of land within the Agricultural District at Kahili Mountain Park, Koloa, Kauai.

2. SP83-358 - C. EARL STONER, JR. ON BEHALF OF S & F LAND COMPANY (Second Amendment) (MAUI)

To allow the addition of an asphalt batching plant on approximately 17.52 acres of land within the Agricultural District at Puunene, Maui.

II. HEARING

1. A87-610 - TOM GENTRY AND GENTRY-PACIFIC, LTD.

To reclassify approximately 1,395 acres of land currently in the Agricultural District into the Urban District at Waiawa, Oahu, Hawaii, for a residential community.

III. MISCELLANEOUS

1. Adoption of Minutes
2. Adoption of Decision and Orders
3. Tentative Meeting Schedule

*Meeting will continue on July 15, 1987 only if not completed on July 14, 1987.

P-561 776 481

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(See Reverse)

U.S.G.P.O. 153-506

PS Form 3800, June 1985

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Street and No.		4280 Rice Street
P.O., State and ZIP Code		Lihue, HI 96766
Postage		\$.22
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt showing to whom and Date Delivered		.70
Return Receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees		\$ 1.67
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SP 8/-504 KAHILLI ADVENTIST SCHOOL

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SP87-364 KAHILI ADVENTIST SCHOOL

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3. Article Addressed to:

Mr. Avery Youn, Planning Dir.
Planning Dept., County of
Kauai

4280 Rice Street
Lihue, HI 96766

4. Article Number

P-561 776 481

Type of Service:

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article.
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Requested" adjacent to number.



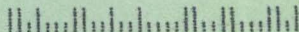
PENALTY FOR PRIVATE
USE, \$300

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TO



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State of Hawaii
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813



STATE OF HAWAII
LAND USE COMMISSION
Room 104, Old Federal Bldg.
335 Merchant Street
Honolulu, Hawaii 96813

June 29, 1987

Mr. Avery H. Youn
Planning Director
Planning Department
County of Kauai
4280 Rice Street
Lihue, Kauai, Hawaii 96766

Dear Mr. Youn:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

SP87-364 KAHILI ADVENTIST SCHOOL

will be _____ acted on _____ at that time.

Should you have any questions on this matter, please
contact this office.

Very truly yours,



ESTHER UEDA
Executive Officer

Enclosure: Agenda

cc: Lorna Nishimitsu, Esq.

P-561 776 480

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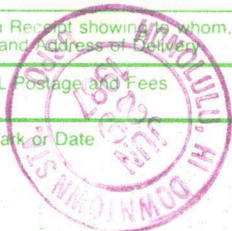
(See Reverse)

U.S.G.P.O. 153-506

PS Form 3800, June 1985

SP87-364 KAHILI ADVENTIST SCHOOL

Sent to	Shigenobu Arakaki	
Street and No.	P.O. Box 480	
P.O., State and ZIP Code	Lawai, HI96765	
Postage	\$.22
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt showing to whom and Date Delivered		.70
Return Receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	\$	1.67
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1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Mr. Shigenobu Arakaki
P.O. Box 480
Lawai, HI96765

4. Article Number

P-561 776 480

Type of Service:

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☐ Insured

☒ Certified

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6. Signature — Agent

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LAND USE COMMISSION
Room 104, Old Federal Building
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Honolulu, Hawaii 96813

P-561 776 482

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U.S.G.P.O. 153-506

PS Form 3800, June 1985

Sent to		R.K. Among
Street and No.		2728 Pali Hwy.
P.O., State and ZIP Code		Honolulu, HI 96817
Postage	\$.22
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt showing to whom and Date Delivered		.70
Return Receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	\$	1.67
Postmark or Date		

SP87-364 KAHILI ADVENTIST SCHOOL

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SP87-364 KAHILI ADVENTIST SCHOOL

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3. Article Addressed to:

Mr. R.K. Among, Dir. of
Development
Hawaii Conf. on SDA
2728 Pali Hwy.
Honolulu, HI 96817

4. Article Number

P-561 776 482

Type of Service:

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5. Signature — Addressee

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6. Signature — Agent

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6-30-87

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LAND USE COMMISSION
Rm. 104, Old Federal Bldg.
335 Merchant Street
Honolulu, Hawaii 968

STATE OF HAWAII
LAND USE COMMISSION
Room 104, Old Federal Bldg.
335 Merchant Street
Honolulu, Hawaii 96813

June 29, 1987

Mr. Shigenobu Arakaki, Director
Kahili Adventist School
P.O. Box 480
Lawai, HI 96765

Dear Mr. Arakaki:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

SP87-364 KAHILI ADVENTIST SCHOOL

will be acted on _____ at that time.

Should you have any questions on this matter, please
contact this office.

Very truly yours,



ESTHER UEDA
Executive Officer

Enclosure: Agenda

cc: R.K. Among

JOHN WAIHEE
GOVERNOR



SUZANNE D. PETERSON
CHAIRPERSON, BOARD OF AGRICULTURE

TADASHI TOJO
DEPUTY TO THE CHAIRPERSON

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 So. King Street
Honolulu, Hawaii 96814-2512

Mailing Address:
P. O. Box 22159
Honolulu, Hawaii 96822-0159

June 17, 1987

MEMORANDUM

To: Mr. Avery Youn, Director
Planning Department
County of Kauai

Subject: State Land Use Commission (SLUC) Action on Special
Permit SP87-364
Kahili Adventist School
Multi-Use Facility
TMK: 2-7-01: 3 Koloa, Kauai
Area: 197.463 acres

The Department of Agriculture received on June 12, 1987, a "Notification of Land Use Commission Meeting" agenda for June 23, 1987. The agenda indicates that the SLUC will be taking action on the subject Special Permit. We respectfully request that our comments be considered for inclusion into the record on the subject permit application. We received no prior notification from your Department of the County Planning Commission hearing on this case.

Please bear in mind that we have no other information on the subject proposal other than the Tax Map Key and what is found in the aforementioned agenda.

To our knowledge, the subject parcel is not in agricultural use. The parcel is bordered to the east, north and south by sugar cane fields.

The parcel is classified as predominantly "Prime" according to the Agricultural Lands of Importance to the State of Hawaii (ALISH) system. There appears to be less than twenty (20) acres of lands classified "Other Important" according to the ALISH system.

Special Permits are intended for "certain unusual and reasonable uses within agricultural and rural districts" (Chapter 205-6, Hawaii Revised Statutes), but not for uses which are provided for by other districts. Included among the applicant's proposed uses are "agricultural maintenance and sales" facilities which we assume to be related to specific agricultural activities and to which we generally have no objection. However, the question arises whether the apparently extensive educational and related facilities, retirement/health

JUN 19 2 29 PM '87
LAND USE COMMISSION
STATE OF HAWAII

Mr. Avery Youn
June 17, 1987
Page -2-

conditioning center, lodge and the other non-agriculture related uses are proper within the Agricultural District, as it may be "contrary to the objectives sought to be accomplished by the Land Use Law and Regulations".

On October 3, 1986, we commented on another Special Permit application (Hemmeter/VMS Kauai Company III; TMK 3-5-01: Por. 6; see attached) on which we had also received only a hearing notice. We understood at that time that the Land Use Commission had requested your Department to inform agencies such as ours of the time and place of subsequent special permit hearings. We also understood at that time that your Department was working out procedures whereby we would be provided with copies of special permit applications in a timely manner for comment prior to the public hearing. Obviously, in the present case such consultation has not taken place.

Should you have any questions, please contact Mr. Paul J. Schwind, Planning Program Administrator, at 548-7133.

Suzanne D. Peterson

SUZANNE D. PETERSON
Chairperson, Board of Agriculture

Attachment

cc: Kauai County Planning Commission
✓ LUC
DPED

October 3, 1986

MEMORANDUM

To: Mr. Thomas P. Contrades, Chairman
Kauai Planning Commission

Subject: Special Permit for Second Golf Course and Driving
Range Hemmeter/VMS Kauai Company III
TMK: 3-5-01: Por. 6 Nawiliwili, Kauai
Acres: Approximately 200

The Department of Agriculture received on September 29, 1986, a Notice of Continuation of Public Hearing for the subject application, and offers the following comments.

We understand that a special permit for an existing golf course and related uses (SP86-360) was approved by the State Land Use Commission on September 23, 1986, at which time the County of Kauai was requested to inform agencies such as ours of the time and place of subsequent special permit hearings, in accordance with Section 205-6, Hawaii Revised Statutes.

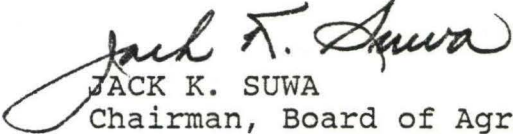
Inasmuch as the continued hearing for the subject application will take place on October 8, 1986, we have had no opportunity to review the application and plans for the proposed development, which in any case have not been forwarded to us. However, we do understand that the major portion of the subject property is Class B land (as classified by the Land Study Bureau) in sugarcane production by Lihue Plantation, and is also used for disposal of mill waste water. We understand that there may be reasons to preserve the site (situated between the two runways of Lihue Airport) as open space in the State Agricultural District, while allowing the golf course by special permit.

In general, this Department's position is to discourage approval of special permits for large-scale uses of an urban nature which should more properly be classified in the State Urban District. A related concern is that a special permit application should not be used as a "foot in the door" to gain accelerated consideration of a subsequent boundary amendment petition. Conversion of large tracts of prime agricultural land to non-agricultural use should be carefully evaluated in accordance with the established procedures and policy guidelines

Mr. Thomas P. Contrades
October 3, 1986
Page 2

provided for in the land use district boundary amendment process.

In the absence of any documented substantive information on the present application, we cannot comment further at this time. We understand that the Kauai Planning Department is working out procedures whereby, in the future, we will be provided with copies of special permit applications in a timely manner for comment prior to the public hearing. We would welcome the opportunity to work more closely with the County of Kauai on land use matters of mutual concern.


JACK K. SUWA
Chairman, Board of Agriculture

cc: LUC
DPED
Kauai Planning Department

TONY T. KUNIMURA
MAYOR



AVERY H. YOUN
PLANNING DIRECTOR

TOM H. SHIGEMOTO
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

June 17, 1987

Miss Esther Ueda, Executive Officer
State Land Use Commission
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

JUN 18 1 06 PM '87
LAND USE COMMISSION
STATE OF HAWAII

Subject: SP87-364/Kahili Adventist School
Koloa, Kauai (File No. SP-87-13)

In response to your inquiry regarding the subject permit application, we offer the following to clarify the proposal:

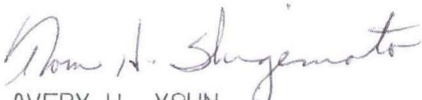
1. The correct Tax Map Key is 2-7-01:3 which consists of 197.463 acres.

The public hearing notice is erroneous and is an oversight on our part. We used the acreage that was provided with the previous Special Permit Application (SP-83-1) and automatically included it in our hearing notice. The property has since been subdivided and the new tax key and acreage should be used to identify the site.

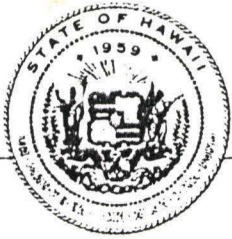
2. Although retirement "homes" per se were not discussed in the petition and our staff report, the intent of the petition is to develop a retirement home complex where the Retirement/Health Conditioning Center is indicated on the proposed Development Plan (Exhibit "G"). Therefore, our approval recommendation intended to recognize the retirement home aspects of the petition as well.
3. Exhibit "C" was not included in the material submitted with the petition. I am enclosing a copy for your reference.
4. A copy of the document prepared by Hoe/Kauahikaua and Chun was sent to you.

Miss Esther Ueda, Executive Officer
State Land Use Commission
Page 2
June 17, 1987

We apologize for any inconvenience our oversight may have created and appreciate your bringing such discrepancies to our attention. We hope the foregoing adequately clarifies your questions and concerns. If we can be of any further assistance, please call me at 245-3919.

for 
AVERY H. YOUN
Planning Director

Enclosure



STATE OF HAWAII
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

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Governor

TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITTEMORE
Vice Chairman

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Richard B. F. Choy
Lawrence F. Chun
Everett L. Cuskalen
Sharon R. Himeno
Toru Suzuki
Robert S. Tamaye
William W. L. Yuen

ESTHER UEDA
Executive Officer

June 17, 1987

Mr. Shigenobu Arakaki, Director
Kahili Adventist School
P. O. Box 480
Lawai, Hawaii 96765

Dear Mr. Arakaki:

Subject: Special Permit 87-364 filed by Kahili Adventist
School for educational, health, church and related
facilities

Enclosed for your information is a copy of the staff report
for the subject special permit to be considered by the Land Use
Commission at its June 23, 1987 meeting in Kailua, Kona. We
understand that a representative of your organization will be
present at the meeting.

Please call us if you have any comments or questions
regarding the report or the Commission's meeting.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to

Enclosure



STATE OF HAWAII
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE
Governor

TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITEMORE
Vice Chairman

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Lawrence F. Chun
Everett L. Cuskaden
Sharon R. Himeno
Toru Suzuki
Robert S. Tanaye
William W. L. Yuen

ESTHER UEDA
Executive Officer

June 17, 1987

Mr. Avery Youn
Planning Director
County of Kauai
Planning Department
4280 Rice Street
Lihue, Hawaii 96766

Dear Mr. Youn:

Subject: Special Permit 87-364 filed by Kahili Adventist
School for educational, health, church and
related facilities

Enclosed for your information is a copy of the staff report
for the subject special permit to be considered by the Land Use
Commission at its June 23, 1987 meeting in Kailua, Kona. We
understand that a representative of the County Planning
Department will be present at the meeting.

Please call us if you have any comments or questions
relative to the report.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to

Enclosure



STATE OF HAWAII
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

• • •

LAND USE COMMISSION

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JOHN WAIHEE
Governor

TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITEMORE
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy
Lawrence F. Chun
Everett L. Cuskaden
Sharon R. Himeno
Toru Suzuki
Robert S. Tamaye
William W. L. Yuen

ESTHER UEDA
Executive Officer

June 16, 1987

MEMORANDUM

TO: Land Use Commissioners

FROM: Staff *Esther Ueda*

SUBJECT: Special Permit 87-364 filed by Kahili Adventist School for educational, health, church and related facilities

Background Information

The Special Permit application was filed by Kahili Adventist School with the County of Kauai Planning Department on March 18, 1987.

On April 21, 1987, the Land Use Commission received a copy of the Kauai Planning Commission's Notice of Public Hearing for the subject docket. On May 13, 1987 a public hearing was conducted by the County Planning Commission. No public testimony was presented at the hearing.

On May 27, 1987, the Kauai Planning Commission recommended approval of the Special Permit subject to eight conditions. The Special Permit was received by the Land Use Commission on June 4, 1987.

Description of Property

The proposed site, including the access road from Kaumualii Highway, is located within the State Land Use Agricultural District at Koloa, Kauai, Tax Map Key Number 2-7-01: portion of parcel 3 (formerly known as TMK: 2-7-01: portion of parcel 1), consisting of approximately 195.673 acres (hereinafter referred to as the "Property"). According to the State of Hawaii tax map printed on June 8, 1987, and the Commission's Official Map K-8 Koloa, it appears that approximately 1.79 acres of the Property is designated within the State Land Use Conservation District.

The Tax Maps Branch of the City and County Finance Department indicates the Property is owned by Augustus F. Knudsen Trust and Eric A. Knudsen Trust. Hawaiian Association of the Seventh-day Adventists is the lessee of record.

The proposed project will be located in Knudsen Gap, approximately one mile mauka of Kaumualii Highway. The proposed site is generally makai of the Lihue-Koloa Forest Reserve and abuts the Lihue-Koloa District line to the east.

The Property, also known as Kahili Mountain Park, has been used for recreational and educational purposes.

Presently, the proposed site contains approximately 36 structures including existing cabins and those under construction. Fifty percent of the Property has been cleared of natural vegetation and is in pasture or building use. The Property was used to grow lychee commercially. The remaining area consists of steep slope and gully land overgrown with natural vegetation.

According to the U.S. Department of the Interior Geological Survey Orthophotograph dated 1978, and as indicated in a October 13, 1982 letter from McBryde Sugar Company Limited to the Kauai Planning Department, the Property is, except for the forest reserve area, surrounded by sugarcane cultivation.

Soils on the Property are classified by the U.S. Soil Conservation service as Lawai Silty Clay 0-25% slopes and is used for sugarcane cultivation.

The Land Study Bureau's Agriculture Master Productivity Rating System rates the Property as "C", "D", and "E" ("E" being the lowest rating).

The elevation of the makai boundary of the Property is about 640 feet above sea level and rises to about 920 feet at it's mauka most boundary.

No data was supplied as to the Property's archaeological significance.

Previous Special Permits Approved for the Property

On December 15, 1967, the Land Use Commission approved Special Permit No. 67-48 to Kahili Mountain Park, Inc. for approximately 150 acres of land to develop a camping-recreational area and facilities to include: a main building with an office, bar restaurant, lounge, game and

storage areas, clusters of tent-like cabins (approximately 16 units each), ball fields, golf driving range, tennis courts, and sanitary facilities. The approval was subject to five conditions.

On September 22, 1975, the Land Use Commission approved Special Permit No. 75-214 to Kahili Mountain Park, Inc. to expand the existing camp to add 20 two-bedroom, one-bath cabins with kitchenettes and other structures on portions of the 215 acre property subject to four conditions. At this time, Kahili Mountain Park contained 15 permanent tent structures, seven cabins, shower and toilet facilities, a utility building, tennis court, supervisor's residence, generator shack, central lodge building, covered furo, garage, stables and a manager's residence.

On December 14, 1983, the Kauai Planning Commission approved Special Permit No. SP83-1 to the Hawaiian Association of Seventh-Day Adventist to relocate the Kauai Adventist School and church from its Omao site to the Kahili Mountain Park subject to 8 conditions. Since the area requested was approximately 14.97 acres, Land Use Commission approval was not required. Presently, none of the proposed cabin structures has been constructed except for two portable classrooms for grades 8-10. A school building to house elementary grades is presently under construction.

Summary of Proposed Use

Kahili Adventist School is now proposing to expand its school and church use to include the following:

- 1) Elementary school and playground
- 2) Intermediate school
- 3) Administration/library
- 4) High school/academy
- 5) Junior college
- 6) Student dormitories
- 7) Faculty, staff and retirement homes
- 8) Gymnasium/swimming pool
- 9) Cafeteria/bakery
- 10) Maintenance shops/vocational training/laundry
- 11) Retirement/health conditioning center
- 12) Health museum; conditioning, physical/spiritual retreat areas
- 13) Chapel
- 14) Existing and new cabins
- 15) Lodge (retreat pavillion)
- 16) Furo

- 17) Retreat office/lecture rooms
- 18) Retreat cabins
- 19) Agricultural maintenance, greenhouse and sales
- 20) Parking areas
- 21) Sewage disposal facilities
- 22) Access and interior road improvements
- 23) Water transmission improvements
- 24) Expanded telephone system
- 25) Propane gas storage

Petitioner indicates its goal is to relocate its entire school facility (Kauai Adventist School, grade 1 thru 10), from its present Omao site to the Property. Petitioner proposes to expand its educational facilities and develop an agricultural and work-study program, and a spiritual retreat center, health conditioning center, and health museum to further work study opportunities.

Petitioner proposes the following tentative development timetable and uses:

- 1) Relocation of the present school facility (grades 1 through 10, occupancy completed by September 1987.)
- 2) Expansion of the school program (K through 12, Phase II, 2 to 5 years from start of Phase I).
- 3) Agriculture Work-Study Program to be implemented by Sept. 1987.
- 4) Utilization of current campground facilities to continue operation.
- 5) Future development, relocation, and expansion of campground site facilities.
- 6) Horse stables and boarding to be continued as long as it is feasible.
- 7) Health Conditioning, Physical Retreat Center, Health Museum, and Spiritual Retreat Center.

Access to the Property is provided from the Kaumualii Highway over a 30-foot wide crushed cinder, coral, and dirt cane haul roadway. From that point to the Kahili Mountain Park entrance is a similar type roadway of variable width that permits two-way traffic. Interior roadways are also dirt roads.

Water will be provided from the existing private water system. Petitioner states that with improvements, this

existing system is adequate to handle water requirements for the proposed uses.

All structures are wired for electricity for lighting and outlets. Power is presently supplied by Kauai Electric.

Individual gas cylinders and bulk tank storage provide propane gas, serviced by Gasco, Inc.

A single telephone line is provided by Hawaiian Telephone company at this time, but an expanded phone system is being designed by Hawaiian Telephone and will be installed.

State and County Plans and Programs

The Property is located within the State Land Use Agricultural and Conservation Districts as indicated on K-8 Koloa of the Land Use District Boundaries Map and the State Tax Map 2-7-01 for the Island of Kauai.

Kauai County General Plan for the Property is Agriculture. The Property is zoned Agriculture/Open.

Agency Concerns

The State Department of Health indicated the following concerns:

- "1. Agricultural activities that require spraying should not encroach towards Grove Farm's drinking water surface supply.
- "2. The applicant shall confer with Department of Health, Hospital and Medical Facility Branch to determine if the proposed "Health Conditioning/Physical Retreat Center" must conform to the requirements of Chapter 98, Special Treatment Facility, of Title 11, Administrative Rules, State of Hawaii.
- "3. No building will be permitted to use cesspools or other individual wastewater systems as a means of sewage disposal if it generates wastewater in excess of 800 gallons per day. If the applicant is considering an alternative method of sewage disposal beside individual wastewater systems, they should be made aware that injection wells will not be permitted for effluent disposal. The proposed development shall conform to Act 282, S.L.H. 1985 and as amended by Act 302, S.L.H. 1986.

- "4. The proposed "Cafeteria/Bakery" shall conform to the requirements of Chapter 1-A, Food Service and Food Establishment Sanitation Code, Public Health Regulations, State of Hawaii.
- "5. The proposed cabins, Faculty homes and student dormitories, shall conform to the requirements of Chapter 14, Housing, of Title 11, Administrative Rules, State of Hawaii.
- "6. The proposed classrooms and other buildings other than dwellings shall conform to the requirements of Chapter 11, Sanitation, of Title 11, Administrative Rules, State of Hawaii.
- "7. The proposed watercress raising site shall be approved by the Department of Health.
- "8. The proposed swimming pool shall conform to the requirements of Chapter 13, Public Swimming Pools, of Title 11, Administrative Rules, State of Hawaii.
- "9. Open burning is prohibited unless an agricultural burning permit is obtained from the Department of Health.
- "10. Grubbed material shall be disposed in a manner and at a site approved by the Department of Health.
- "11. Effective dust and soil erosion control measures shall be implemented during all phases of development by the developer.
- "12. The proposed development shall be provided with potable water from an approved source."

The State Department of Transportation stated that left turn storage lanes on Kaunualii Highway, acceleration and deceleration lanes and street lights be provided.

The County Department of Public Works pointed out that access to the school site does not meet county standards. Also, that a stream traverses through the site, and although the FIA Flood Map does not designate a flood zone or flooding, drainage and flood studies should be made and buildings located away from the 100-year flood inundation limits.

The County Water Department pointed out that they do not have a domestic water system in the area and that the Kahili Mountain Park has its own private water system.

The County Fire Department's concerns included that the access road should have sufficient width, height clearance and driving surface to support fire apparatus and that county water lines with fire hydrants be provided.

Conformance With Special Permits Tests

The Kauai Planning Department provided the following evaluation of the project's conformity to the Special Permit guidelines as set forth in Section 15-15-95(b) of the Land Use Commission Rules:

- "1. The proposed 20-year master plan of school and church-related use for the entire 197+ acres site is not considered contrary to the objectives sought to be accomplished by the Land Use Law and Regulations since agriculture through work study programs will be emphasized within the school curriculum. Inasmuch as the school and church related improvements are dispersed throughout the parcel, a predominant portion will be utilized for agricultural uses.
- "2. The school and church-related uses of the property will not adversely affect the surrounding sugarcane operations of McBryde.
- "3. The development of the property will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and school improvements, and police and fire protection. Applicant will be responsible for any infrastructure improvements required by the State Highways Division, State Health Department, and County Public Works, Water, Fire and Planning Departments.
- "4. No unusual conditions have arisen since the district boundaries and regulations were established. However, a growing trend both locally and statewide has been towards stressing the importance of agriculture and its diversification for local economies. The proposed use in conjunction with an agriculture work-study program can ensure that an educational base to further encourage agriculture exists.
- "5. The Kahili Mountain site has uses occurring that are permissible within the State "Agriculture" Land Use District, such as recreational day camp, raising of livestock, and riding stable and barn with accessory structures. The proposed master planned development

could be considered to be compatible to the Agriculture District on the basis that many of those uses mentioned above will be maintained, although the emphasis will now be placed on education rather than only recreation."

Planning Commission Recommendations

The Planning Commission at its meeting held on May 27, 1987, recommended approval of the above Special Permit, subject to the following conditions:

- "1. Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval.

- "2. The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better.
- "3. The improvements required by the State Highways Division shall be provided as required, but no later than 5 years from the date of review and approval by the Land Use Commission.
- "4. As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.
- "5. Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments.
- "6. The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the

permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare.

- "7. Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented.
- "8. The applicant is advised that prior to an/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."

Comments

Staff points out the following for the Commission's consideration:

- 1. The Planning Commission's recommendation does not include a time limit to establish the use as required by Land Use Commission Rule Section 15-15-95(e);
- 2. It appears that portions of the subject property are within the State Conservation District. Petitioner should obtain a boundary interpretation for the area to clarify the location of the district boundary.
- 3. Due to the scale and type of uses proposed, Petitioner and/or the county should be requested to clarify why the proposal was not considered for a district boundary amendment instead of a special use permit.
- 4. Should the Special Use permit be approved, consideration should be given to voiding or withdrawing the previous special use permits granted for the area.

The following materials are attached for the Commission's information:

- 1) Letter dated June 2, 1987 from Tom Shigemoto to the Land Use Commission
- 2) Kauai Planning Department Evaluation of Request (Exhibit B-1c)
- 3) Kauai Planning Department Staff Report and Attachments (Exhibit D-4)

- 4) Transcripts of the May 13, 1987 public hearing
- 5) Notice of Public Hearings
- 6) Special Permit Application
- 7) Special Permit Application for the Kahili Adventist School Koloa, Kauai, Hawaii prepared by Kahili Adventist School



STATE OF HAWAII
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE
Governor

TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITEMORE
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy
Lawrence F. Chun
Everett L. Cuskaden
Sharon R. Himeno
Toru Suzuki
Robert S. Tamaye
William W. L. Yuen

ESTHER UEDA
Executive Officer

June 12, 1987

Mr. Avery Youn
Planning Director
County of Kauai
Planning Department
4280 Rice Street
Lihue, Hawaii 96766

Dear Mr. Youn:

Subject: SP87-364/Kahili Adventist School, Koloa, Kauai
(File No. SP87-13)

Based on our review of the subject Special Permit, we request confirmation/clarification of the following items:

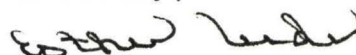
1. The legal notice for the subject permit advertised the permit for TMK: 2-7-01: portion of 1 consisting of 215 acres while the Planning Commission's approval reflected the permit area as TMK: 2-7-01: 3 consisting of 197.463 acres. Please clarify the correct acreage and tax map designation, and the reason for the change.
2. On the application dated March 18, 1987, retirement homes was indicated as a proposed use, however, it does not appear that this use was included in the approved Special Permit Uses. Please clarify this matter.
3. Exhibit C of the petition was not included in the material submitted to us. Is it part of the official record on the petition? If so, please forward us a copy of this material.
4. The Special Permit refers to a Document prepared by architect Hoe/Kauahikaua and Chun. Was the Document submitted as part of the record on the petition? If so, please forward us a copy of this study. If it was not submitted as part of the official record but is available, we would like to obtain a copy of this material for informational purposes.

Mr. Avery Youn
June 12, 1987
Page Two

Inasmuch as the Commission's action on the subject permit is scheduled for June 23, 1987, we would appreciate your earliest response.

Thank you for your assistance on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Esther Ueda", written in a cursive style.

ESTHER UEDA
Executive Officer

EU:to

STATE OF HAWAII
LAND USE COMMISSION

approved
7/14/87

Minutes of Meeting

Discovery Room, Kona Hilton Hotel
Kailua-Kona, Hawaii

June 23, 1987

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Sharon R. Himeno
William Yuen
Richard Choy
Toru Suzuki
Robert Tamaye
Lawrence Chun
Everett Cuskaden

COMMISSIONERS ABSENT: Frederick P. Whittemore, Vice-Chairman

STAFF PRESENT: Esther Ueda, Executive Officer
Annette Chock, Deputy Attorney General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk

Jean Marie McManus, Court Reporter

Chairman Tacbian called the meeting to order.

REOPENED HEARING

A86-602 - KAHALA CAPITAL CORPORATION (Kona)

The present matter before the Commission is a reopening of the hearing which had begun on July 8, 1986, December 16, 1987, December 17, 1987, and March 3, 1987.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Gary Wong, Esq., Attorney for Petitioner

Norbert Schlei, Petitioner

Albert Lono Lyman, Planning Director, County of Hawaii

Everett Kaneshige, Esq., Deputy Attorney General,
Department of Planning and Economic Development

Abe Mitsuda, Land Use Division, Department of Planning and Economic Development

Chairman Tacbian allowed further testimony from public witnesses.

PUBLIC WITNESSES

1. Representative Virginia Isbell
2. Bill Cook of the Kona, Kohala Chamber of Commerce
3. George Lockwood, Hawaii Abalone Farms
4. Bob Kapaona, Operating Engineers, Local Union #3
5. Clinton Taylor
6. Boyd Hansen

Further written public testimonies were accepted into evidence. Also accepted as evidence was Rep. Isbell's brochure, "The Creation of New International "Aeropolis" in Complete Harmony with the Kansai International Airport."

EXHIBITS

Petitioner's Exhibit 18 through Exhibit 30 were admitted into evidence.

It was noted that Petitioner's Exhibit No. 28, County of Hawaii's Ordinance was not signed by the Mayor, but should be signed shortly.

ACTION

A86-602 KAHALA CAPITAL CORPORATION (Kona)

Chairman Tacbian announced that the Commission would take action in the matter of the petition by Kahala Capital Corporation to reclassify approximately 313.66 acres of land currently in the Conservation District into the Urban District at O'oma II, North Kona, Hawaii for an intermediate resort.

It was determined by Chairman Tacbian that all of the Commissioners present were eligible to participate in the action on the petition.

Closing arguments were heard from Benjamin Kudo and Everett Kaneshige. After hearing arguments, parties were questioned by the Commissioners.

Commissioner Chun moved for approval of Docket No. A86-602 - Kahala Capital Corporation to reclassify approximately 313.66 acres of land currently in the Conservation District at O'oma II, North Kona, Hawaii for an intermediate resort subject to the following conditions:

1. Petitioner shall provide housing opportunities for low and moderate income Hawaii residents and for employees employed on the Property by constructing and offering for sale or rent, on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority and the County of Hawaii, within or without the Property, a number of residential units not less than ten percent (10%) of the residential units to be developed on the Property to residents of Hawaii and/or employees employed on the Property of low or moderate income as determined by the Hawaii Housing Authority or County of Hawaii from time to time, or by contributing to the development of such housing without the Property. The preferential residential units, if offered for sale, shall be offered for sale at prices that would enable such purchasers to qualify for and obtain State-assisted financing or Federally-insured or assisted financing intended to encourage home ownership by low and moderate income families or employees.

2. Petitioner shall provide public access from Queen Kaahumanu Highway to the shoreline. Petitioner shall provide space for parking stalls at the access(es). Petitioner shall maintain a continuous pedestrian trail along the seaward boundary of the Property and such access shall be integrated with the shoreline trails on adjacent lands. The accesses shall be available to the public for recreational use. Petitioner shall coordinate plans for public access with the Department of Land and Natural Resources and the County of Hawaii.

3. Petitioner shall prepare preservation and data recovery plans for all significant historic sites which plans shall be submitted to the Department of Land and Natural Resources and the County of Hawaii Planning Department for their review and approval. Petitioner shall submit said plans in consultation with both agencies.

4. Petitioner shall develop and maintain on-site facilities such as sewage treatment plants, dry wells, ponding areas and irrigation systems to insure that the nearshore, offshore and deep ocean waters remain in a pristine condition as acceptable to the Natural Energy Laboratory of Hawaii, Hawaii Ocean Science and Technology Park and the Department of Health. Petitioner shall also develop and coordinate a monitoring system with the Natural Energy Laboratory of Hawaii, the Hawaii Ocean Science and Technology Park and other appropriate agencies to insure the quality of the nearshore, offshore, and deep ocean waters.

Petitioner, in addition, shall do the following:

a. For a period of one year prior to any construction of the property, Petitioner shall develop and conduct a program for monitoring the nearshore waters, which program will establish the baseline data for the quality of the waters.

The program shall meet with the approval of HOST Park, NELH, and the State Department of Health. The parameters of the baseline data shall comply with those prescribed in Title 11, Chapter 54 of the Department of Health Administrative Rules relating to water quality standards.

b. During the period of construction on the property, Petitioner shall conduct a monitoring program for any potential pollution of the nearshore waters, which program shall meet with the approval of HOST Park, NELH, and the State Department of Health.

Said program shall provide for precautionary measures to be taken sufficient to prevent eroded soils and other suspended sediments, construction materials, waste and debris from passing into the nearshore waters. In the event that pollution is discovered, the activity causing the problem shall immediately cease and the problem remedied.

c. After the completion of construction on the property, Petitioner and Petitioner's successors and interest shall conduct a monitoring program for any potential pollution of the nearshore waters which program shall meet with the approval of HOST Park, NELH, and the State Department of Health.

In the event that pollution is discovered, Petitioner, petitioner's successors, and/or the then existing property owners shall immediately correct the problem. If the pollution is determined by NELH, HOST Park, and the Department of Health to be caused by the disposal of effluent from wastewater, and the existing facilities cannot be altered to resolve the problem satisfactorily, 100 percent of the then existing property owners and lessees of the property shall submit a petition and participate in an improvement district with the County of Hawaii for the installation of an alternative sewage treatment system and alternative method of wastewater disposal.

The requirement of correcting any potential pollution problems and the participation in an improvement district hereunder shall be the covenant of each and every deed, mortgage, lease or other interest of covenants running with the land, and shall be an encumbrance binding upon all future persons claiming thereunder.

Said covenant should provide that if a property owner or lessee fails or refuses to sign an improvement district petition when required hereunder to do so, or said owner or lessee cannot be located from his last known address, the clerk of the Third Circuit Court of the State of Hawaii shall be authorized to sign the improvement district petition on his behalf. The conditions and covenants contained in this section may be released if determined appropriate by this Commission.

d. NELH and HOST Park shall be kept informed of all current practices and proposed changes in practices on the property regarding construction activities, use of fertilizers and other soil treatments, and the operation of any sewage treatment plant. Petitioner shall work with NELH and HOST Park to preserve water quality, and to solve any potential problems regarding water quality.

5. Petitioner shall grant to the State of Hawaii and record in each deed of the Property, a noise or aviation easement in a form prescribed by the State Department of Transportation.

6. Petitioner shall not construct residential or resort condominium units on any portion of the Property subject to noise levels greater than 60 LDN as determined by the Department of Transportation Noise Contour Map provided by the Department of Transportation for the year 1990. This condition shall also apply to any land uses not compatible with Keahole Airport operations as determined by the State Department and the Federal Aviation Administration.

7. Petitioner, in developing the Property, shall not exceed the building height limitations as imposed by the State Department of Transportation, Airports Division, in their Airport Zoning Map.

8. Petitioner shall develop a full service hotel on the Property in conjunction with recreational, residential and commercial projects in order to assure greater employment opportunities.

9. Petitioner shall fund the design and construction of improvements to the Queen Kaahumanu Highway for access to the Property and any other improvements as may be required by the State Department of Transportation provided that said highway improvements are rationally related to the mitigation of impacts caused by the Petitioner's proposed project.

10. Petitioner will notify the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the property covered by the approved petition.

11. Petitioner, for itself, its successors and assigns, shall indemnify and forever hold harmless and defend the State of Hawaii or any agency or employees thereof from any and all liability resulting from said noise, vibration, fumes, dust, fuel and lubricant particles, and any other incidences of flame affecting the property, including but not limited to suits based on nuisance or inverse condemnation theories.

12. The Commission may fully or partially release these conditions as to all or any portion of the Property upon timely motion, and upon the provision of adequate assurance of satisfaction of these conditions by the Petitioner.

The motion was seconded by Commissioner Cuskaden.

The Commission were then polled as follows on the motion to approve Kahala Capital's Petition subject to twelve conditions:

Ayes: Commissioner Chun, Suzuki, and Cuskaden

Nays: Commissioner Tamaye, Yuen, Choy, Himeno, and Chairman Tacbian

The motion, failing to receive the required six votes to pass, was lost.

A87-611 - DANIEL TSUGIO GRAHAM AND CHARLOTTE KOBAYASHI GRAHAM
(Oahu)

Chairman Tacbian announced that the Commission will act to determine whether the anticipated effects discussed in the Graham's Environmental Assessment to reclassify approximately 7.074 acres of land currently in the Conservation District into the Urban District at Niu Valley, Oahu, Hawaii for a residential subdivision constitutes a "significant effect" pursuant to Chapter 343, H.R.S.

Commissioner Yuen moved that the Commission find that the proposed petition does not constitute a significant effect on the environment, and therefore, the Commission does not require petitioner to prepare an environmental impact statement. The motion was seconded by Commissioner Choy and carried with the following votes:

Ayes: Commissioner Yuen, Tamaye, Suzuki, Choy, and Himeno.

Nays: Commissioner Chun, Cuskaden, and Tacbian

* SP87-364 - KAHILI ADVENTIST SCHOOL (Kauai)

Raymond Young, Staff Planner, gave a summary report of the special use permit request by Petitioner to allow the establishment of school use from grades kindergarten through junior college to include classroom buildings; homes for students, faculty, staff, and retirees; administration and recreational buildings, and a cafeteria/bakery; a chapel,

Minutes - June 23, 1987

Page 8

retirement/health conditioning center, furo, museum, lodge, retreat areas and buildings and maintenance/vocational training shops; agricultural maintenance and sales and parking; and sewage disposal facilities on approximately 197.463 acres of land situated within the State Land Use Agricultural District at Kahili Mountain Park, Koloa, Kauai.

After hearing comments from Avery Youn, Planning Director, County of Kauai, and Mr. Arakaki and Mr. Among, representing petitioner, Chairman Tacbian deferred action on this petition until the next meeting to be held on July 14, 1987. Mr. Youn was requested to submit his recommendations in writing.

MISCELLANEOUS

1. ADOPTION OF MINUTES

The Minutes for the following meeting date was approved as circulated: June 5, 1987

2. The Commission voted unanimously to appoint Benjamin Matsubara, Esq., as Hearing Officer on Docket No. A87-611 - DANIEL TSUGIO GRAHAM AND CHARLOTTE KOBAYASHI GRAHAM.

3. The Commission requested staff to obtain a status report on the Petitioner's compliance with the conditions imposed in Docket No. A82-530 AMFAC PROPERTY DEVELOPMENT CORPORATION.

The meeting was adjourned at 2:02 p.m.

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

June 23, 1987 - 10:30 a.m.

Discovery Room, Kona Hilton Hotel
Kailua-Kona, Hawaii

A G E N D A

REC'D. BY

1987 JUN 10 AM 10 23

LT. GOVERNOR'S OFFICE

I. REOPENED HEARING

1. A86-602 - KAHALA CAPITAL CORPORATION

To receive additional evidence from the parties on the Department of Transportation 2005 noise contours for Keahole Airport, and on the State's liability, if any, as it relates to the impacts of noise from Keahole Airport on the proposed project.

II. ACTION

1. A86-602 - KAHALA CAPITAL CORPORATION (Hawaii)

To reclassify approximately 313.66 acres of land currently in the Conservation District into the Urban District at O'oma II, North Kona, Hawaii for an intermediate resort.

2. A87-611 - DANIEL TSUGIO GRAHAM AND
CHARLOTTE KOBAYASHI GRAHAM (Oahu)

To determine whether the anticipated effects discussed in the Grahams' Environmental Assessment to reclassify approximately 7.074 acres of land currently in the Conservation District into the Urban District at Niu Valley, Oahu, Hawaii for a residential subdivision constitute a "significant effect" pursuant to Chapter 343, H.R.S.

6/9/87 - Agenda sent to all persons and organizations on the following mailing lists:

1. STATEWIDE 2. HAWAII 3. OAHU 4. KAUAI

3. SP87-364 - KAHILI ADVENTIST SCHOOL (Kauai)

To allow the establishment of school use from grades kindergarten through junior college to include classroom buildings; homes for students, faculty, and staff; administration and recreational buildings, and a cafeteria/bakery; a chapel, retirement/health conditioning center, furo, museum, lodge, retreat areas and buildings and maintenance/vocational training shops; agricultural maintenance and sales and parking; and sewage disposal facilities on approximately 197.463 acres of land within the Agricultural District at Kahili Mountain Park, Koloa, Kauai.

III. MISCELLANEOUS

1. Adoption of Minutes
2. Adoption of Decision and Orders
3. Tentative Meeting Schedule

P 601 826 243

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

Sent to		Avery Youn
Street and No.		4280 Rice Street
P.O., State and ZIP Code		Lihue, HI 96766
Postage	\$.22
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered		.70
Return receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	\$	
Postmark or Date		



\$P87-364 KAHILI ADVENTIST SCHOOL

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

SP87-364 KAHILI ADVENTIST SCHOOL

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Avery Youn, Planning Dir.
Planning Dept., County of
Kauai
4280 Rice Street
Lihue, HI 96766

4. Article Number

P 601 826 243

Type of Service:

- | | |
|---|----------------------------------|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | |

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

6-12-87

D.H.

8. Addressee's Address (*ONLY if requested and fee paid*)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**

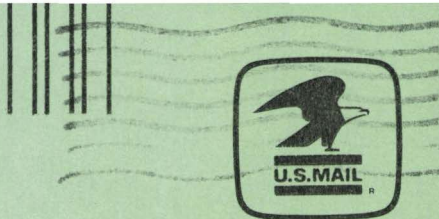


Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii
LAND USE COMMISSION

Room 104, Old Federal Building
335 Merchant Street

Honolulu, Hawaii 96813



PENALTY FOR PRIVATE
USE, \$300

STATE OF HAWAII
LAND USE COMMISSION
Room 104, Old Federal Bldg.
335 Merchant Street
Honolulu, Hawaii 96813

June 10, 1987

Mr. Avery H. Youn
Planning Director
Planning Department
County of Kauai
4280 Rice Street
Lihue, Kauai, Hawaii 96766

Dear Mr. Youn:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

SP87-364/KAHILI ADVENTIST SCHOOL

will be acted on at that time.

Should you have any questions on this matter, please
contact this office.

Very truly yours,



ESTHER UEDA
Executive Officer

Enclosure: Agenda

STATE OF HAWAII
LAND USE COMMISSION
Room 104, Old Federal Bldg.
335 Merchant Street
Honolulu, Hawaii 96813

June 10, 1987

Mr. Shigenobu Arakaki, Director
Kahili Adventist School
P.O. Box 480
Lawai, HI 96765

Dear Mr. Arakaki:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

SP87-364/KAHILI ADVENTIST SCHOOL (Kauai)

will be acted on at that time.

Should you have any questions on this matter, please
contact this office.

Very truly yours,



ESTHER UEDA
Executive Officer

Enclosure: Agenda

STATE OF HAWAII
LAND USE COMMISSION
Room 104, Old Federal Bldg.
335 Merchant Street
Honolulu, Hawaii 96813

June 10, 1987

R.K. Among, Director of Development
Hawaii Conference On SDA
2728 Pali Hwy.
Honolulu, HI 96817

Dear Mr. Among:

Enclosed is a Land Use Commission meeting agenda.

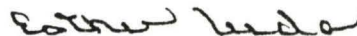
Please note that petition(s)

SP87-364/KAHILI ADVENTIST SCHOOL (Kauai)

will be acted on at that time.

Should you have any questions on this matter, please
contact this office.

Very truly yours,



ESTHER UEDA
Executive Officer

Enclosure: Agenda

TONY T. KUNIMURA
MAYOR



AVERY H. YOUN
PLANNING DIRECTOR

TOM H. SHIGEMOTO
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

June 2, 1987

State of Hawaii
Land Use Commission
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

Subject: Application for Special Permit
Our File No. SP-87-13
Kahili Adventist School
TMK: 2-7-01: 3 Koloa, Kauai

The Planning Commission at its meeting held on May 27, 1987, voted 7 to 0 to recommend approval of the above Special Permit, subject to the following conditions:

1. Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

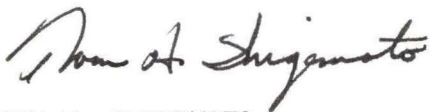
Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval.

2. The applicant shall provide an all weather surface from Kaunualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better.

State of Hawaii
Land Use Commission
Page 2
June 2, 1987

3. The improvements required by the State Highways Division shall be provided as required, but no later than 5 years from the date of review and approval by the Land Use Commission.
4. As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.
5. Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments.
6. The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare.
7. Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented.
8. The applicant is advised that prior to and/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).

In accordance with provisions under Section 205-6, HRS, we herewith transmit for your consideration the foregoing application, together with pertinent information.



TOM H. SHIGEMOTO
Deputy Planning Director

cc: Applicant
Mayor
Pub. Works Dept.
Water Dept.
Health Dept.

State of Hawaii
Land Use Commission
Page 3
June 2, 1987

Highways Div.
Fire Dept.
Real Property Div.

I hereby certify that this letter represents a true and correct record of the subject action.



Madeline T. Yamauchi, Secretary

COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

Hearing date 5/13/87
Action deadline July 12, 1987
Add.hearing dates 5/27, 6/10,
6/24, 7/8
ZA Deadline for Council
Transmittal n/a

STAFF REPORT

PROJECT: USE PERMIT U-87-41,
SPECIAL PERMIT SP-87-13
CLASS IV ZONING PERMIT Z-IV-87-51

APPLICANT: Kahili Adventist School

FINDINGS

LOCATION: Kahili Mountain Park, Kauai. In the vicinity of Knudsen Gap,
mauka of Kaumualii Highway, and is accessed by a dirt road
approx. 1,600 ft. west of the junction of Maluhia Road and
Kaumualii Highway.

TAX MAP KEY: 2-7-01: 3 AREA: 197.463 acres ZONING: Ag/Op
STATE LUC: Ag GENERAL PLAN: Ag EXIST.USE: school, recreation

ACTIONS REQUIRED: USE PERMIT is required since schools and church related uses
within the Agriculture and Open Districts are not generally permitted uses...
SPECIAL PERMIT is necessary since school and church related uses within lands
designated Agriculture by the State Land Use Commission are not outright
permitted uses...CLASS IV ZONING PERMIT is a procedural requirement since a
Use Permit is involved.

PROJECT DESCRIPTION AND USE: Applicant now proposes to utilize entire property
for school and church related uses, rather than the 14+ acres approved by
the Planning Commission in 1983.

LEGAL REQUIREMENTS: Notification requirements of Ordinance No. 402 have been
complied with.

APPLICANT'S REASONS/JUSTIFICATION: "It is our purpose to proceed with the develop-
ing of the Kahili property with the school expanding as quickly as possible
to a higher level. Presently existing on site are the relocated grades of
8-10, which are being bussed to the site. Classes are being held in two
portable buildings, and a school building to house the elementary grades
is presently under construction."

D-4

FINDINGS (cont'd):

1. On December 14, 1983, the Planning Commission approved Special Permit SP-83-1, Use Permit U-2-83 and Class IV Zoning Permit Z-IV-83-3 to relocate the Kauai Adventist School to Kahili Mountain Park, on a 14.97-acre site within the larger parcel.

One of the conditions of approval required roadway improvements (paving) of the cane haul road from the Kaumualii Highway entrance to the site, prior to the issuance of an occupancy permit for the school. However, in August 1984, the condition was amended to permit temporary roadway improvements until such time permanent school facilities became available beyond the two temporary portable classrooms the applicant requested. These temporary improvements included roadway widening and graveling of a portion of the roadway. Additionally, a waiver of liability agreement was executed with the County, and a school policy established that encouraged students to utilize bus services.

This roadway requirement was imposed to ensure safe, all weather access to an educational facility, and must be provided prior to the issuance of an occupancy permit for the office/library/Grades 1-6 building currently being constructed. The Fire Department confirms that interior roadway paving and the provision of County approved water lines with fire hydrants must be provided prior to the issuance of an occupancy permit for said structure.

2. Applicant's master plan proposes the following improvements:

- elementary school and playground
- elementary school
- administration and library
- high school/academy
- junior college
- student dormitories
- faculty homes
- gymnasium and swimming pool
- cafeteria and bakery
- maintenance shops, vocational training and laundry
- retirement and health conditioning center
- health museum; conditioning physical, spiritual retreat areas
- chapel
- retreat office and lecture rooms
- retreat cabins
- agricultural maintenance, greenhouse and sales.

Not adequately reflected with the master plan include a development timetable; specifics relative to the agriculture-work study program to be implemented; and specifics relative to faculty and student housing.

3. Access. From the Kaumualii Highway entrance for approximately 0.8 mile, access is over a 30-foot wide crushed cinder, coral, and dirt cane haul roadway. From that point to the Kahili Mountain Park entrance is a similar roadway of variable width that permits two-way traffic. Interior roadways are also dirt roads.

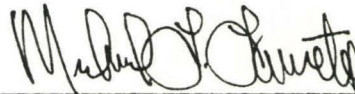
Water. Kahili Mountain Park has its own water supply and system, including hypochlorinator, that meets the Department of Health's standards.

Electricity. Power is supplied by Kauai Electric. Diesel generators provide back-up power.

Fire Protection. Since a County-standard water system does not service the site, garden hoses and fire extinguishers service each individual structure.

AGENCY COMMENTS: (See attachments.)

By



Michael Laureta
Planner

5/7/87

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: Avery H. Youn, Planning Director (ML)

DATE: March 18, 1987

SUBJECT: Zoning Permit Appl. Z-IV-87-51, Use Permit Appl. U-87-41 and Special Permit Appl. SP-87-13, KAHILI ADVENTIST SCHOOL

TO: ☒ (xx) Public Works Dept.
☐ (xx) Water Dept.
☐ (xx) State Health Dept.
☐ (xx) State Highways Div.
☐ (xx) Fire Dept.
☐ () Sam Lee (DLNR)
☐ () State Dept. of Agriculture
☐ () Police Dept.
☐ ()
☐ ()



FOR YOUR COMMENTS (pertaining to your department): March 25, 1987

As mentioned in our earlier report on the subject project, access to the school site is through a roadway that does not meet County standards. Our concern would be access without an all-weather surfacing, especially with the increase traffic demands associated with a school.

It has also come to our attention that a stream traverses thru the site. While the FIA Flood Map does not designate a flood zone or flooding, drainage and flood studies should be made and buildings should be located away from the 100 year flood inundation limits.

Signature

Avery H. Youn
for COUNTY ENGINEER

Please return one (1) copy by April 2, 1987. Thank you.

KK/lis

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: Avery H. Youn, Planning Director (ML)

DATE: March 18, 1987

SUBJECT: Zoning Permit Appl. Z-IV-87-51, Use Permit Appl. U-87-41 and Special Permit Appl. SP-87-13, KAHILI ADVENTIST SCHOOL

TO: (xx) Public Works Dept.
✓(xx) Water Dept.
(xx) State Health Dept.
(xx) State Highways Div.
(xx) Fire Dept.
() Sam Lee (DLNR)
() State Dept. of Agriculture
() Police Dept.
()
()



FOR YOUR COMMENTS (pertaining to your department):

April 1, 1987

We do not have a County domestic water system in this area and; therefore, we have no comments to this Zoning, Use and Special Permit Application. (Kahili Mountain Park has their own private water system)

Signature

A handwritten signature in cursive script, appearing to read "Raymond A. Sam", written over a horizontal line.

Please return one (1) copy by April 2, 1987. Thank you.

cc: Department of Health

MAR 19 1987

plb
2/1

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: Avery H. Youn, Planning Director (ML)

DATE: March 18, 1987

SUBJECT: Zoning Permit Appl. Z-IV-87-51, Use Permit Appl. U-87-41 and Special Permit Appl. SP-87-13, KAHILI ADVENTIST SCHOOL

TO: (xx) Public Works Dept.
(xx) Water Dept.
✓(xx) State Health Dept.
(xx) State Highways Div.
(xx) Fire Dept.
() Sam Lee (DLNR)
() State Dept. of Agriculture
() Police Dept.
()
()



FOR YOUR COMMENTS (pertaining to your department):

2 April 87

Our department's concerns are as follows:

1. Agricultural activities that require spraying should not encroach towards Grove Farm's drinking water surface supply.
2. The applicant shall confer with Department of Health, Hospital and Medical Facility Branch to determine if the proposed "Health Conditioning/Physical Retreat Center" must conform to the requirements of Chapter 98, Special Treatment Facility, of Title 11, Administrative Rules, State of Hawaii.
3. No building will be permitted to use cesspools or other individual wastewater systems as a means of sewage disposal if it generates wastewater in excess of 800 gallons per day. If the applicant is considering an alternative method of sewage disposal beside individual wastewater systems, they should be made aware that injection wells will not be permitted for effluent disposal. The proposed development shall conform to Act 282, S.L.H. 1985 and as amended by Act 302, S.L.H. 1986.
4. The proposed "Cafeteria/Bakery" shall conform to the requirements of Chapter 1-A, Food Service and Food Establishment Sanitation Code, Public Health Regulations, State of Hawaii.
5. The proposed cabins, Faculty homes and student dormitories, shall conform to the requirements of Chapter 14, Housing, of Title 11, Administrative Rules, State of Hawaii.

continued on back

Signature _____

Please return one (1) copy by April 2, 1987. Thank you.

6. The proposed classrooms and other buildings other than dwellings shall conform to the requirements of Chapter 11, Sanitation, of Title 11, Administrative Rules, State of Hawaii.
7. The proposed watercress raising site shall be approved by the Department of Health.
8. The proposed swimming pool shall conform to the requirements of Chapter 13, Public Swimming Pools, of Title 11, Administrative Rules, State of Hawaii.
9. Open burning is prohibited unless an agricultural burning permit is obtained from the Department of health.
10. Grubbed material shall be disposed in a manner and at a site approved by the Department of health.
11. Effective dust and soil erosion control measures shall be implemented during all phases of development by the developer.
12. The proposed development shall be provided with potable water from an approved source.

Due to the general nature of the application submitted, we reserve the right to implement further environmental restrictions when more detailed plans are submitted.

Clyde Takikuma
(for) Ted Inouye, Chief Sanitarian, Kauai

TI:GNT/plo

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: Avery H. Youn, Planning Director (ML)

DATE: March 18, 1987

SUBJECT: Zoning Permit Appl. Z-IV-87-51, Use Permit Appl. U-87-41 and Special Permit Appl. SP-87-13, KAHILI ADVENTIST SCHOOL

TO: (XX) Public Works Dept.
(XX) Water Dept.
(XX) State Health Dept.
✓ (XX) State Highways Div.
(XX) Fire Dept.
() Sam Lee (DLNR)
() State Dept. of Agriculture
() Police Dept.
()
()



FOR YOUR COMMENTS (pertaining to your department):

March 20, 1987

1. Provide left turn storage lanes on Kaumualii Highway;
2. Provide acceleration and deceleration lanes at the junction with Kaumualii Highway;
3. Install street lights within highway R/W; and
4. Allow us to review construction plans.

Signature

Shigeto Yamaguchi
SHIGETO YAMAGUCHI

SY:jf

Please return one (1) copy by April 2, 1987. Thank you.

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: Avery H. Youn, Planning Director (ML)

DATE: March 18, 1987

SUBJECT: Zoning Permit Appl. Z-IV-87-51, Use Permit Appl. U-87-41 and Special Permit Appl. SP-87-13, KAHILI ADVENTIST SCHOOL

TO: (xx) Public Works Dept.
(xx) Water Dept.
(xx) State Health Dept.
(xx) State Highways Div.
✓ (xx) Fire Dept.
() Sam Lee (DLNR)
() State Dept. of Agriculture
() Police Dept.
()
()



FOR YOUR COMMENTS (pertaining to your department):

The fire department comments remain the same as previously submitted to the planning department.

(As submitted on August 13, 1982 by the Fire Department:

The Fire Department has no objections to the proposed permit application provided:

1. Access roadways have all-weather driving surface of not less than 20 feet of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of the fire apparatus and having a minimum of 13 feet 6 inches of vertical clearance.
2. County approved water lines with fire hydrants having the required fire flow be located within 250 feet to all sections of the proposed buildings to be protected.
3. All buildings shall have a minimum 2-A rated ABC type of fire extinguisher mounted 4 feet from the floor near the exit.
4. Comply with all other requirements of the Kauai County Fire Code.)

Signature

A handwritten signature in cursive script, appearing to be "A. Youn", written over a horizontal line.

Please return one (1) copy by April 2, 1987. Thank you.

RE: Use Permit U-87-41
Special Permit SP-87-13
Class IV Zoning Permit Z-IV-87-51

APPLICANT: Kahili Adventist School

EVALUATION:

In applying the test for Special Permits as specified in the Land Use Commission's Rules and Regulations, the following are noted:

1. The proposed 20-year master plan of school and church-related uses for the entire 197+ acres site is not considered contrary to the objectives sought to be accomplished by the Land Use Law and Regulations since agriculture through work study programs will be emphasized within the school curriculum. Inasmuch as the school and church related improvements are dispersed throughout the parcel, a predominant portion will be utilized for agricultural uses.
2. The school and church-related uses of the property will not adversely affect the surrounding sugar cane operations of McBryde.
3. The development of the property will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and school improvements, and police and fire protection. Applicant will be responsible for any infrastructure improvements required by the State Highways Division, State Health Department, and County Public Works, Water, Fire and Planning Departments.
4. No unusual conditions have arisen since the district boundaries and regulations were established. However, a growing trend both locally and statewide has been towards stressing the importance of agriculture and its diversification for local economies. The proposed use in conjunction with an agriculture work-study program can ensure that an educational base to further encourage agriculture exists.
5. The Kahili Mountain site has uses occurring that are permissible within the State "Agriculture" Land Use District, such as recreational day camp, raising of livestock, and riding stable and barn with accessory structures. The proposed master planned development could be considered to be compatible to the Agriculture District on the basis that many of those uses mentioned above will be maintained, although the emphasis will now be placed on education rather than only recreation.

Relative to the standards for the issuance of a Use Permit, as reflected by Section 8.05-A of the Comprehensive Zoning Ordinance (CZO), we are of the opinion that the ultimate development of the property over a 20+-year time span as reflected by the master plan, is a compatible use to the surrounding environment. Provided infrastructure improvements occur in conjunction

LAND USE COMMISSION
STATE OF HAWAII
JUN 4 1 00 PM '87

with subsequent development of the site as required by the government agencies, we are of the opinion that the use would not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the community, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters, and will not be inconsistent with the intent of the CZO and General Plan.

Infrastructure improvements to ensure public health, safety and welfare, such as water line improvements to provide sufficient fire flow, and roadway improvements to include a 16 ft. asphalt concrete or concrete pavement width from the bridge entry to the site would be required prior to the issuance of an occupancy permit for any development proposed within the master plan. Deferral of these improvements will not be in the public's best interests since safety is our foremost concern. Additionally, other agency requirements such as State Highways for highway improvements, and Public Works for a flood study, should be resolved prior to any further development of the property.

Relative to the primary access from Kaumualii Highway to the site entry over an existing cane haul road, we believe all weather roadway improvements (asphalt concrete paving to County standards) should also be provided. However, realizing the wear and tear caused by cane haul trucks over this roadway portion, we believe paving to County standards can be deferred until such time: a) a government agency determines the inadequacy of the cane haul road for safe access; or b) sugar cane production is discontinued from the surrounding properties; or c) the Planning Department determines that the intensity of use of the property warrants pavement of the roadway to ensure public health, safety and welfare. In the interim, an acceptable all-weather improvement for the cane haul roadway portion from Kaumualii Highway to the site would be penetration base treatment.

CONCLUSION:

Based on the foregoing findings and evaluation, it is concluded that the proposed master plan and potential use of the site is consistent with the criteria for a Special Permit as established by the State Land Use Law, and a Use Permit as established by County's Comprehensive Zoning Ordinance.

It is further concluded that on-site infrastructure improvements as discussed in this report must accompany any additional development of the property in order to ensure public health, safety and welfare.

RECOMMENDATIONS:

Based on the foregoing findings, evaluation and conclusion, it is hereby recommended that Use Permit U-87-41, Special Permit SP-87-13 and Class IV Zoning Permit Z-IV-87-51 be approved and forwarded to the State Land Use Commission, subject to the following conditions:

1. Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval.

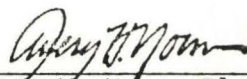
2. The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better.
3. The improvements required by the State Highways Division shall be provided as required, but no later than 5 years from the date of review and approval by the Land Use Commission.
4. As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.
5. Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments.
6. The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare.
7. Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented.
8. The applicant is advised that prior to and/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).

Approved & Recommended to Commission:

By



Michael Laureta, Planner



Avery H. Youn, Planning Director

KAUAI PLANNING COMMISSION
PUBLIC HEARING
MAY 13, 1987

A public hearing of the Planning Commission of the County of Kauai was held on Wednesday, May 13, 1987, in the Council Chambers at the County Building, Lihue. Following Commissioners were present:

Mrs. Betty Matsumura, Chairman
Mrs. Sunshyne Costa
Mr. Thomas Contrades
Mr. Gerald Dela Cruz
Mr. Arthur Fujita
Mr. Ajerico Pablo
Mrs. Rebecca Sialana

Special Permit SP-87-13, Use Permit U-87-41 & Class IV
Zoning Permit Z-IV-87-51 = Kahili Adventist School

Staff, Michael Laureta, presented the findings (on file) on the request to allow master planning for school and church related uses on the entire Kahili Mountain Park site, containing an area of approximately 215 acres in Koloa.

MR. SHIGE ARAKAKI, Director of Kahili Mountain Park: I arrived here ten days ago so I'm new and when it comes to the technical area I'm sure that Mr. Hoe can do a better job in answering the questions.

Before coming to Kauai, I served as the President of the Conference of Seventh Day Adventist Churches and also served as a principal at one of the high schools in California, and college in Japan. As President and Headmaster at the Japanese High School and Junior High School where we had an effective work-study program. And when I saw Kahili Mountain Park and was given an invitation to go there, I thought of the potential so I resigned my other job and went to Kahili. I think the potential is there; however, this type of philosophy of education, work-study, is something that takes time to develop. I know in Japan it was slow, but today we have a good school, many appreciate the work-study experience. We have started in a small way and I know from the new school year, since we didn't have a director full time, and with my experience we're going to implement this work-study program more. Now as you look at the record you find that we are going to have the spiritual retreat center. I was at the Washington Place with the Governor and religious leaders of the State, not only Christians but also Buddhists. I talked to them about a spiritual retreat for burned-out pastors or ministers or priest and they felt it was a good idea, and that's why I began and said why only ministers? How about teachers, or administrators, or students, and ordinary people? I said that's great, but since human beings aren't just spiritual they have the physical side and we cannot divide man we said how about the physical also to have a real balance. So here at the school we'd like to have a physical, spiritual retreat center and exposing in these two areas the best to our young people who study there. They learn to use their hands, develop their minds and learn to relate to people and learn relationship to God, and at the same time get acquainted with all kinds of religions and religious people, and get good physical training and understand the human body. And we also thought about a health museum you see there. We felt it was a good idea to have maybe at Kahili Mountain Park a building set apart someday where you could have the history of the healing art in Hawaii, I think that would be very interesting, and about the human body--the importance of keeping our bodies healthy. And so this our big concept and I know it's going to take time to develop. And as I

LAND USE COMMISSION
STATE OF HAWAII

JUN 4 1 00 PM '87

said in the work-study, in my experience, it took time, but people who have experienced it have really appreciated it. And I think this is something that will be good for the island of Kauai and someday who knows maybe your grandchildren maybe studying there.

If you have technical questions, I'm going to ask Ray Hoe to answer.

CHAIRMAN MATSUMURA: Right now your students are from Kauai? (Mr. Arakaki, "Yes, right now.") I see you plan to have dormitories, is this for your retreats or are you planning to have the neighbor island come in? ("Later on we'd like to invite people from different parts of the world to come, but as I said this work-study type of program is not something that everybody gonna buy it. However, we have thought about dormitory for the outer islands and even from the Mainland those who want this type of program in Hawaii. So it's going to be a small scale. When you look at the master plan, it scares you because I could see about the transportation concern or traffic concern, but I said it's a very small thing, grows slowly. And when the demand comes for it, we would like to cooperate in every way with the Public Works Department or whatever department is concerned.") When do you think you will have the completion of schools and what will be your total amount of students, if you have projected that far? ("Well we haven't projected that far, but in my experience in Japan it was about a 20-year program where we started small and gradually developed up to about 300 high school students. And so, as I said, it takes time for people to accept this concept of education, but it has been very worthwhile.") So for the present you're going to go from first grade, no kindergarten? ("Yeah, we plan to start kindergarten too.") This Fall? ("Yes.") And then every year add on another grade until you have 12 grades? ("And we want to be sure that we provide quality education; but, at the same time, when we say work-study, it means they need supervision. We can't just let the kids run around, so we want to be sure that the philosophy that we have is implemented wisely because in today's world we have to be careful. As far as the spiritual retreat center, something like that we can implement quickly because we have the cabins. I was talking to the Buddhist priest in Honolulu, Bishop Fujitani, he told me that the bukyokai also used that place sometime ago, and the Catholics and the other Protestants; and this is what we want to do, to make it available to not only to Christians but to all different religions too.")

MR. RAYMOND HOE: I'd like to make a few comments as regards to the technical requirements that will be needed to be imposed. I know in the staff report and the agency comments, of course, they reflected the furthest development that's why they established certain requirements. In my discussion with the staff and our approach, what we would like to do is, as we prepare an expansion program or specific phase as Elder Arakaki states. It would be nice if money was not an issue then we could say this is a 5-year program and taxes will be such and such, but that's not the case. We would like to meet the requirements or negotiate the requirements with the various agencies once they know specifically what are planned at the time, and I think your major areas are Fire Department, well in all the areas, Health Department, Public Works, Water Department, if we can work in that cooperative manner.

Our goal is, of course, to make it a topnotch facility and a safe facility. In this day of litigation, that's number one on everybody's mind is to have it safe and adequate. I don't know if I have any answers, but I welcome your questions.

MR. ARTHUR FUJITA: Ray, I've seen this plan of yours, I guess, from its infancy and I just want to commend your

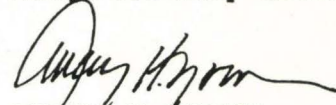
organization for a well implemented plan. Did you ever think that you'd get to this point in time? (Mr. Hoe, "Well, to be honest with you I wouldn't be here if I didn't dream that it would come to this. I mean 200 acres that's a lot of land. I think that's more land than our whole church organization owns in the State. So to be honest with you I would like to see it well used. And I don't anticipate, sad as it is, that sugarcane is going to be around very long, and that's a beautiful place for this type of program and maybe agriculture, health or other fields of study and education the site can contribute to the island's needs and the State would need, and like Elder Arakaki said, this has been his baby all along too. When he was the President of the Conference, he was the motivating or pushing force behind it. And so although many people said why did you step down from the President of the Church organization, I think this is where his heart is, it's in education and he's always, I think. I've retired from the Conference Executive Committee but during the 7 years I was there, I think it was about every 6 weeks we had executive meetings, and we'd stay up until 12 o'clock, 1 o'clock at night talking about it. And it's not been without its hurdles and it's not going to be without future hurdles, but it'd be well worth it.") I know that you couldn't give us a time schedule as to what would take place for any length of time, but looking down the road would you say this would be perhaps over 20 years that all of these things will be finally implemented? ("I would say so.") The final question, I guess I have is, you don't anticipate finding it difficult to address all of the different agency concerns, like the paving and the Health Department's concerns and all the other agency concerns? ("No, they're reasonable men and up to this point it has not been that way.") Good Luck.

No one spoke against the application.

There were no letters of protest as of this date.

The hearing was closed at 3:18 p.m.

Respectfully submitted,



AVERY H. YOUN

Secretary to the Commission

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COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN of public hearings to be held by the County of Kauai Planning Commission at the County Building (Council Chambers) on Wednesday, May 13, 1987, at 1:30 p.m. or soon thereafter to consider under the provisions of the State Land Use Commission Rules and Regulations and Ordinance No. 164 (CZO), as amended, the following applications:

1. VARIANCE PERMIT from Section 3.035 E. 2 (relating to paved parking requirements), USE PERMIT and CLASS IV ZONING PERMIT to establish a church use within an existing residence on property in the Residential District, located immediately west of Kawaihau Road, 20 feet north of its intersection with Mimilo Road in Kapaa, Kauai, further identified as Tax Map Key: 4-6-16:35, and containing an area of 10,000 square feet.
- ✓ 2. SPECIAL PERMIT, USE PERMIT and CLASS IV ZONING PERMIT to establish a commercial office and repair shop on property situated in Hanamaulu, Kauai, on the southeast side of the Wiliko Unit II Subdivision and along Hanamaulu Stream, approximately 2,100 feet south of the intersection of Laukona Street and Kuhio Highway, further identified as Tax Map Key: 3-7-01:10, and containing a total area of 8,168 square feet.
- ✓ 3. SPECIAL PERMIT, USE PERMIT and CLASS IV ZONING PERMIT to allow master planning for school and church related uses on the entire Kahili Mountain Park site, located in the vicinity of Knudsen Gap, mauka of Kaunualii Highway and is accessed by a dirt road approximately 1,600 feet west of the junction of Maluhia Road (Tree Tunnel) and Kaunualii Highway, Koloa, Kauai, further identified as Tax Map Key: 2-7-01: Por. 1, and contains an area of approximately 215 acres.

Any party may be represented by counsel if he or she so desires. In addition, individuals may appear on their own behalf, a member of a partnership may represent the partnership, and an officer or authorized employee of a corporation or trust or association may represent the corporation, trust or association.

Proposed plans are on file in the office of the Planning Department at Lihue and available to the public for inspection during office hours.

Testimonies for or against the applications should be filed in writing to said Commission before the date of the public hearings or presented in person at the time of the public hearings.

(Apr. 20, 1987)

KAUAI PLANNING COMMISSION
Betty T. Matsumura, Chairman
By Avery H. Youn, Planning Director

(Publish in reduced print.)

FOR INFORMATION

LAND USE COMMISSION
STATE OF HAWAII

APR 21 9 45 AM '87

COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

ZONING PERMIT APPLICATION (x)
USE PERMIT APPLICATION (x)
VARIANCE PERMIT APPLICATION ()
SPECIAL PERMIT APPLICATION (x)
SMA PERMIT APPLICATION ()

APPLICANT Kahili Adventist School

ADDRESS P.O.Box 298 Koloa, Hawaii 96756

PHONE NO. 742-9921 TAX MAP KEY 2-7-01:Por.1 LOT NO. _____ LOT SIZE 197 acres

APPLICANT IS: (check one) ZONING DISTRICT Open EXISTING LAND USE School

- A. Owner of Property _____ As defined by Ordinance No. 317.
B. Lessee of Property XX *Number of Years Leased 60 From 1985 to 2045
C. Authorized Agent _____ Attach Letter of Authorization.

NOTE: *Lessee must have an unexpired and recorded lease of five (5) years or more from date of filing this application.

DESCRIPTION OF PROPOSED USE, IMPROVEMENT, ALTERATION, AND/OR CONSTRUCTION: (specify exact use, number of units, etc.) Spiritual, Physical Health Condition Ctr. Health Museum, Botanical Gardens w/ Farming, Additional Class-rooms, Retirement Homes, Faculty Homes, Retreat Ctr. Staff Housing.

FOR VARIANCE OR USE PERMITS ONLY

CONDITIONS JUSTIFYING VARIANCE OR USE PERMIT APPLICATION: (use additional sheets as required)

See Attached Document

The construction, work, use, or activity approved in this permit shall be subject to inspection by the Planning Inspector or authorized personnel of the Planning Department, County of Kauai. The applicant is advised that inspection will occur prior to or during construction and use to ascertain compliance with the provisions of Ordinance No. 164, as amended, (Comprehensive Zoning Ordinance, County of Kauai) and/or other laws which are enforced by the Planning Department.

Signature

Owner/Applicant

Permit Fee \$ 150.00
Received By laf
Date Rec'd. 3/18/87

For Planning Department Use Only

Zoning Permit No. Z-IV-87-51
Use Permit No. U-87-41
Variance Permit No. _____
Special Permit No. SP-87-13
SMA Permit No. _____
Zoning Permit Class IV
Date Received March 18, 1987
Date Approved _____
Plans By _____